(b) By note verbale dated 2 June 1993, the Government transmitted to the Working Group a press release issued by the Inter-American Commission on Human Rights at the end of a mission to Peru, in which it was noted that during the first four months of 1993, there had been a reduction in the number of allegations of human rights violations, as compared to previous years.

(c) By a note verbale dated 19 July 1993, the Government informed the Working Group of the promulgation on 26 May 1992 of Decree Law No. 25499, which established the terms on which persons detained or sentenced on charges of terrorism could benefit from a reduction, exemption or remission of sentence.

(d) In a note verbale dated 26 August 1993, the Government transmitted a copy of the new basic human rights training curriculum now being used in the schools and training centres of the Peruvian army, navy and air force. By a note verbale dated 19 November 1993, the Government of Peru provided further details on this programme.

390. Pursuant to Commission on Human Rights resolution 1993/48, the Government submitted a number of notes verbales reporting on activities carried out by terrorist groups in Peru, including assassinations and bomb attacks. In this connection the Government reported an attack on 14 April 1993 against a primary school in the city of Tingo María, Huánuco, where a grenade wounded seven children. It is said that, following the public commitment by the President to open a new school every week, terrorist groups have launched a campaign of attacks against schools.

391. By a note verbale dated 8 June 1993, the Government informed the Working Group of the massive kidnapping of Peruvian peasants from the most remote and backward areas of the country, mentioning in particular that Sendero Luminoso was holding captive more than 2,000 members of the Peruvian forest ethnic group, the Ashaninkas. Sendero Luminoso was said to be seizing entire villages and transforming them into military camps, where the indigenous inhabitants lived in conditions of servitude and complete destitution. The captives were reportedly used by their captors as "cannon fodder" during their attacks on towns or clashes with the army or local patrols. They were forced to obey their captors without protest and were under constant threat of death. In May, nearly 100 Ashaninkas were rescued by the army in the El Chapo region, thus providing proof of the state of absolute destitution and malnutrition in which they were held captive. Of the 2,000 indigenous inhabitants still in captivity, the Ashaninkas report that approximately 1,000 are children, suffering from grave health problems as a result of the treatment inflicted on them.

392. On 19 August 1993, the Government reported that 200 members of Sendero Luminoso assassinated 61 indigenous men, women and children of the Ashaninka population in the valley of Mazamari, Junín department, and that an undetermined number were missing. The Government further reported the assassination by Sendero Luminoso of 10 persons during the month of June 1993.

393. The Government also provided a reply with regard to the Working Group's tentative considerations on the question of impunity.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	10	0
II.	Outstanding cases	2 240	231
III.	Total number of cases transmitted to the Government by the Working Group	2 847	304
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses		
	(b) Cases clarified by the Government's responses a/	229	31
V.	Cases clarified by non-governmental sources b/	378	42

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a/ Persons detained: 33
Persons arrested and released: 63
Persons who obtained a voter's card after the date of their alleged disappearance: 35
Persons found dead: 26
Persons at liberty: 63
Persons abducted by rebels: 1
Persons escaped from a detention centre: 3
Persons in court: 5

b/ Persons whose dead bodies were found and identified: 65
Persons released from detention: 244
Persons in prison: 51
Persons take to a hospital after detention: 2
Persons at liberty: 13
Persons drafted into the army: 3

Philippines

Information reviewed and transmitted to the Government

394. The Working Group's activities in relation to the Philippines are recorded in its previous 11 reports to the Commission. 1/

395. During the period under review, the Working Group transmitted to the Government of the Philippines under the urgent action procedure, 14 newly reported cases of disappearance which occurred in 1993.

396. By letters dated 15 June, 20 October and 3 December 1993, the Government of the Philippines was notified that 20 cases were considered clarified, 15 based on its replies and 5 on the basis of further information provided by the sources. In the same letters, the Working Group retransmitted four cases of disappearance to the Government, updated with new information provided by the source.

397. By letter dated 15 June 1993, the Working Group informed the Government that one case had been deleted from the statistics because of a duplication.

398. By letters dated 22 January and 5 July 1993, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure. By letter dated 15 June 1993, the Working Group reminded the Government of all outstanding cases.

399. In a letter dated 20 October 1993, the Working Group informed the Government of allegations of a general nature which it had received concerning the phenomenon of disappearance in the country.

Follow-up on observations and recommendations made by the Working Group during its visit to the Philippines in 1990

400. In accordance with a decision taken by the Working Group at its thirty-ninth session, a letter, dated 17 August 1993, was sent to the Government as a follow-up to the observations formulated by the Working Group in its report on the mission to that country in 1990. The letter contained new questions on substantive issues and measures recommended by the Group. These questions referred, in particular, to: the steps taken to clarify all outstanding cases of disappearance, including the use of international forensic expertise; the number of habeas corpus petitions entertained by the courts in 1993, and the procedures attached to their satisfactory implementation; the question of judicial guarantees and the practice of preventive administrative detention of persons on the suspicion of being guilty of "rebellion", "subversion", or of related "offences"; the enacting of laws prohibiting or placing under strict control the activity of paramilitary groups authorized to carry out detentions; the status and military role of, and the financial resources allocated to, the Citizen's Armed Forces Geographical Units (CAFGUS); the measures taken to combat violations of human rights committed by military or paramilitary personnel against human rights workers, lawyers, judges, religious leaders, trade unionists and other community leaders reported to belong to or sympathize with representatives of the Communist Party or the New People's Army; the problem of the trial and conviction by civilian courts of human rights offenders and of the serving of their full sentence; and the application to human rights cases of the Witness Protection Law.

Information and views received from relatives of missing persons or from non-governmental organizations

401. The majority of the newly reported cases of disappearance were submitted by the Task Force Detainees in the Philippines, Amnesty International and the World Organization against Torture. The forces often cited as being responsible were the 13th and 51st Infantry Battallions of the Philippines Army, the 342nd Company of the Mobile Field Force of the Philippines National Police, the Citizens Armed Forces Geographical Units and unidentified military agents. Among the persons reported missing in 1993 were 2 children aged 6 and 10, 3 farmers, 1 journalist and 1 church worker.

402. In addition, reports on the human rights situation in the country were received from the Philippine Alliance of Human Rights Advocates (PAHRA), the Task Force Detainees of the Philippines, and Find.

403. According to information received from non-governmental organizations, the Filipino population continues to be the victim of severe human rights violations carried out by the CAFGUs and members of the special armed forces in the framework of the anti-insurgent struggle led against the New People's Army throughout the country.

404. Non-governmental organizations reported that recent trends in disappearances indicated that most victims were peasants from rural areas, although some of them were from major urban centres such as Manila, Cebu or Davao. These trends also showed that people continued to disappear under the present Government, despite the fact that in December 1992 it had announced the creation of a committee to look into the problem of enforced or involuntary disappearances, which had been set up on 8 February 1993 under Memorandum Order No. 88. However, so far, not a single case had reached the final stage of compensation schemes granted to the victims of disappearance and to their families, or of prosecuting those held responsible for such disappearances.

405. The Philippines Alliance of Human Rights Advocates submitted their views on the implementation of the Declaration.

Information and views received from the Government

406. By letter dated 25 March 1993, the Government requested a complete list of all outstanding cases of disappearance. This was forwarded to it by the Working Group's secretariat by note verbale dated 15 April 1993.

407. By letters dated 17 June, 22 July and 15 September 1993, the Government provided information on nine cases of disappearance previously transmitted by the Working Group. Most of this information was forwarded by the Philippines Commission on Human Rights. All nine cases of disappearance were still

pending. In three cases a habeas corpus petition had been registered by the relatives with the regional trial court of their district, however, without any results. One of the habeas corpus petitions was dismissed later by the concerned regional trial court. One missing person was reportedly still detained by the Mobile Field Force of the Philippines National Police (PNP). Two other cases of disappearance were never acknowledged by local military authorities of the camp where they were reportedly held, and were presently being searched for by members of the PNP. A Barangay captain was still missing, probably held in an army camp, after he served as an emissary between a patrol of the Philippines Army and NPA groups. For another case, the investigations carried out to identify the alleged body of the missing person were not yet completed.

408. Finally, by letter dated 20 October 1993, the Government transmitted to the Working Group its comments in relation to the consequences of acts of violence committed by armed groups and drug traffickers that spread terror among the population (Commission resolution 1993/48). It stated that the 1987 Constitution of the Philippines entrusted to the State a specific responsibility for dismantling private armies often used in the country to oppress the weak and defenceless citizens.

409. Since coming to power, President Ramos had addressed the problem posed by private armed groups and rebel elements such as the NPA, the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF), by launching in early July 1993 a campaign aimed at dismantling by 30 November 1993 the reported 558 private armed groups existing in the country. As of 31 August, the Philippines National Police had dismantled 283 private armed groups. A number of the 275 remaining private armies were to be found in the Autonomous Region of Muslim Mindanao. At the same date, 59 criminal cases had been filed in court against these private armies. The President also ordered the simultaneous dismantlement of the illicit economic system of these private armed groups involved in drug trafficking, illegal logging, smuggling, protection rackets, hired guns, kidnap for ransom, and armed robbery.

410. The President planned a total amnesty programme for all rebels from NPA, MNLF and MILF. The Government had constituted a peace panel with MNLF, headed by former Ambassador Manuel Yan. Formal talks were to start soon in Jakarta. The National Unification Commission had recommended that many political prisoners should be temporarily released, paroled or pardoned. They included detained NPA rebels and rightist putschists.

411. The Working Group also received a reply from the Government of the Philippines relating to the tentative considerations formulated by the Government in relation to the question of impunity.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	14	
II.	Outstanding cases	510	62
III.	Total number of cases transmitted to the Government by the Working Group	642	79
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	571	-
	(b) Cases clarified by the Government's responses a/	106	12
V.	Cases clarified by non-governmental sources b/	26	5

a/ Persons dead: 17
Persons located and identified: 2
Persons in prison: 6
Persons living abroad: 2
Persons released from detention: 53
Persons at liberty: 22
Persons escaped from prison: 3
Persons not detained in the country: 1

b/ Persons dead: 4
Persons in prison: 6
Persons released from detention: 10
Persons at liberty: 3
Persons escaped: 3

Romania

Information reviewed and transmitted to the Government

412. The Working Group's activities in relation to Romania are recorded in its last report to the Commission.

413. No cases of disappearance were reported to have occurred in 1993. By letter dated 15 June 1993, the Working Group reminded the Government of Romania of the one outstanding case.

Information and views received from the Government

414. By notes verbales dated 14 May and 30 September 1993, the Government informed the Working Group that the case was being investigated by the competent national authorities, as well as, at the international level, by Interpol. It offered to invite the Chairman or one of the members of the Working Group to Romania in order to enter into a dialogue with the competent Romanian authorities, if the Working Group deemed this necessary.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	
II.	Outstanding cases	1	0
III.	Total number of cases transmitted to the Government by the Working Group	1	0
IV.	Government responses	1	
	(a) Number of cases on which the Government has provided one or more specific responses	0	0
	(b) Cases clarified by the Government's responses	0	0

Rwanda

Information reviewed and transmitted to the Government

415. The Working Group's activities in relation to Rwanda are recorded in its previous report to the Commission. 1/

416. During the period under review, the Working Group transmitted, by letter dated 20 October 1993, three cases of disappearance to the Government which reportedly occurred in 1993.

417. By letter dated 15 June 1993, the Working Group reminded the Government of the five outstanding cases of disappearance transmitted in the past.

Information and views received from relatives of missing persons or from non-governmental organizations

418. The above cases of disappearance were submitted by Amnesty International and concerned three students from the Seventh Day Adventist University in Muderde, in northern Rwanda, suspected of supporting the "Front patriotique rwandais" (FPR). They were allegedly arrested by soldiers and local policemen on the campus of the University.

Information and views received from the Government

419. By note verbale dated 19 February 1993, the Government submitted a statement on the re-establishment of a cease-fire. By letter dated 2 July 1993, the Government requested a copy of the five cases of disappearance transmitted in the past. This was sent to the Government on 6 July 1993.

420. At the time of the adoption of the present report, no other information had been received by the Working Group from the Government of Rwanda. The Group is, therefore, unable to report on the whereabouts of the missing persons.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	3	0
II.	Outstanding cases	8	0
III.	Total number of cases transmitted to the Government by the Working Group	8	0
IV.	Government responses	0	

Saudi Arabia

421. The Working Group's activities in relation to Saudi Arabia are recorded in its previous report to the Commission. 1/

422. No cases of disappearance were reported to have occurred in 1993. By letter dated 15 June 1993, the Working Group reminded the Government of the one outstanding case transmitted in the past.

Information and views provided by the Government

423. By a note verbale dated 23 June 1993, the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office at Geneva referred to the Working Group's letter dated 15 June 1993 and stated that:

> "(1) The information received by the Working Group concerning enforced and involuntary disappearances which allegedly occurred in our country are mere 'allegations' as stated in your letter. (2) We have no record of such multiple cases of 'disappearances' sent to us by the Working Group. (3) Allegations by known or unknown sources received by the Working Group cannot be considered by a member State as facts worthy of negation or confirmation. (4) The mandate of the Centre for Human Rights does not allow allegations or interference in the domestic jurisdiction of a sovereign State founder of the United Nations itself."

424. By letter dated 1 October 1993, the Working Group responded to the Government's note verbale, drawing its attention to the fact that the Working Group's methods of work are based on its mandate as stipulated in Commission resolution 20 (XXXVI) and are specifically geared to its main objective, which is to assist families in determining the fate and whereabouts of their missing relatives; the Group's role ends when the fate and whereabouts of the missing person have been clearly established as a result of investigations by the Government or the search by the family, irrespective of whether that person is alive or dead; the Group's methods of work were placed before the Commission and approved by it at the Commission's forty-fourth session in 1988 and have been updated and approved by the Commission in subsequent years; the Group's approach is non-accusatory, but rather humanitarian in nature; the Declaration on the Protection of All Persons from Enforced Disappearance, in particular article 13, stipulates the obligation of States to investigate any cases of disappearance brought to its attention; any information which is transmitted to the Government is done so in full compliance with the mandate given to the Working Group and after a review has been conducted by the Working Group itself as to whether the formal criteria of admissibility have been met; the Centre for Human Rights has no role other than to perform the requisite technical work connected with the transmission of cases to Governments, as instructed by the Working Group. The decision to transmit a case or to consider it clarified rests entirely with the Working Group itself.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	
II.	Outstanding cases	1	0
III.	Total number of cases transmitted to the Government by the Working Group	1	0
IV.	Government responses	0	

Seychelles

Information reviewed and transmitted to the Government

425. The Working Group's activities in relation to Seychelles are recorded in its eight previous reports to the Commission. 1/

426. No cases of disappearance were reported to have occurred in 1993. By letter dated 15 June 1993, the Working Group reminded the Government of the three outstanding cases transmitted in the past.

427. At the time of the adoption of the present report, no reply had been received by the Working Group from the Government of Seychelles with regard to these cases. The Group is, therefore, unable to report on the fate or whereabouts of the missing persons.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	
II.	Outstanding cases	3	0
III.	Total number of cases transmitted to the Government by the Working Group	3	0
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	3	0
	(b) Cases clarified by the Government's responses	0	

South Africa

Information reviewed and transmitted to the Government

428. The Working Group's activities in relation to enforced or involuntary disappearances in South Africa are recorded in its previous 12 reports to the Commission. 1/

429. During the period under review the Working Group transmitted one newly reported case to the Government of South Africa under the urgent action procedure, on 26 November 1993. The case occurred in 1993 and was submitted by Amnesty International. It concerned a 34-year-old woman member of the African National Congress who was reportedly involved in an agricultural development cooperative project near the border with Mozambique.

430. By letter dated 21 May 1993, the Permanent Mission of Namibia to the United Nations replied to the Working Group's letter of 15 December 1992 concerning outstanding cases of enforced or involuntary disappearance attributed to the forces of South Africa which had occurred within Namibian territory. The Permanent Mission of Namibia stated that lengthy and thorough investigations had been undertaken in 1979 in which statements were filed with the then South West African Supreme Court. The matter was settled out of court and the authorities undertook to circulate the particulars of the subjects to neighbouring countries. In spite of these efforts, the whereabouts of the persons concerned could not be determined. It further stated that witnesses, in particular officials, had since left Namibia and could not be questioned. No further information concerning the disappearance of the subjects was available.

431. By letter dated 15 July 1993, the Working Group thanked the Government of Namibia for its reply and stated that these cases had been transmitted to the Government of Namibia in accordance with the Group's basic philosophy of exploring all possible avenues in its efforts to determine the fate of the missing persons. Since the whereabouts of the persons concerned could so far

not be established, the Working Group would retain these cases in its files under the country chapter on South Africa, since the responsibility for these disappearances was imputed to agents of the South African Government.

432. In reviewing the South African file, it was discovered that in the statistical summary a clarification provided by a source in the past had been omitted from the statistics. This has now been corrected and reflected in the statistical summary.

Statistical summary

		Total	Female
I.	Cases reported to have occurred in 1993	1	
II.	Outstanding cases	8	0
III.	Total number of cases transmitted to the Government by the Working Group	11	0
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	10	0
	(b) Cases clarified by the Government's responses a/	2	0
V.	Cases clarified by non-governmental sources b/	1	

a/ Persons in prison: 1
Persons escaped: 1

b/ Persons dead: 1

Sri Lanka

Information reviewed and transmitted to the Government

433. The Working Group's activities in relation to Sri Lanka are recorded in its previous 11 reports to the Commission. 1/

434. During the period under review, the Working Group transmitted 1,567 newly reported cases of disappearance to the Government of Sri Lanka, of which 29 were reported to have occurred in 1993; 25 of those cases were transmitted under the urgent action procedure. All of the cases transmitted in the course of 1993 were also sent to the Government on diskette in order to facilitate the exchange of information.

435. By letters dated 15 June, 20 October and 3 December 1993, the Government was notified that eight cases were now considered clarified, based on its replies. The Government was also informed that in six cases the Group had

applied the six-month rule. By letters dated 22 January and 5 July 1993, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure. By letter dated 15 June 1993, the Working Group reminded the Government of all outstanding cases.

436. General allegations on the situation of human rights in Sri Lanka having an influence on the phenomenon of disappearances in the country were transmitted to the Government in a letter dated 20 October 1993.

437. By letter dated 3 December 1993, the Government was informed that 246 cases had been deleted owing to duplication.

Follow-up on observations and recommendations made by the Working Group during its visits

438. By letter dated 17 August 1993 the Working Group addressed to the Government of Sri Lanka a letter containing further questions relating to the Working Group's recommendations contained in the reports of its visits to the country in 1991 and 1992. The questions referred to outstanding issues such as the prevention of the phenomenon of disappearances and the clarification of cases, to the governmental bodies set up in Sri Lanka, with specific reference to the Presidential Commission of Inquiry, and to the detention procedures and emergency regulations in force.

Information and views received from relatives of missing persons or from non-governmental organizations

439. During the present reporting period, information was received by the Working Group from Amnesty International, Parliamentarians for Fundamental Human Rights, the Mothers' Front, the Batticaloa Peace Committee, the Ampara Peace Committee, Asia Watch and INFORM, which indicated that certain positive legislative changes were made on 17 June 1993:

(a) Section (7) of Emergency Regulation 18 was amended to oblige arresting officers to report arrests to their superiors who are then obliged to report the arrests to the Human Rights Task Force. It is not clear what effect this has had on preventive detentions for the purpose of interrogation where no formal arrest is made. Secondly, the revision of this law did not foresee a penalty for failure to report an arrest.

(b) Section (4) of Emergency Regulation 19 was amended to require the Secretary of the Ministry of Defence to publish a list of all places authorized by that Ministry as official places of detention and to make this list available to the Magistrate of each jurisdiction where these places of detention are located. A list of unofficial places of detention, such as military outposts or temporary centres, where disappearances are most likely to occur, was not foreseen under this amendment. Emergency Regulation 17 still allows for prolonged detention, with extensions of the detention every three months indefinitely.

440. It was further reported that the conflict in the north and north-east continued to create a situation in which disappearances were likely to occur. The armed conflict situation continued to displace thousands of persons, many of whom have been sheltered in temporary centres and who have become particularly vulnerable to detention and disappearance. Emergency Regulation 23 required every household in the areas of conflict to provide a list of all inhabitants. It was reported to the Working Group that, by virtue of this regulation, hundreds of young Tamils have been detained, many for a period without acknowledgement and that some have disappeared. The cases transmitted to the Government by the Working Group during the reporting period reflected these reported situations.

441. Regarding the mandate of the Presidential Commission of Inquiry into the Involuntary Removal of Persons, the organizations reported that its mandate remained applicable only to cases reported to have occurred after 11 January 1991. A new entity has been set up with a mandate to investigate or to seek to clarify the more than 8,000 cases of disappearance so far transmitted to the Government by the Working Group. To date, the Working Group is unaware of any statement of responsibility or official condemnation of the phenomenon of disappearances in Sri Lanka by the Government. Several cases of impunity for persons known to have been responsible for carrying out disappearances have tended to highlight concern of the Working Group in this regard. A police officer, Udugampola, who was held responsible for numerous disappearances and extra-judicial executions between 1988 and 1990, was suspended last year from his duties in the police force. It has come to the attention of the Working Group that this person has now been appointed Acting Chairman of the Sri Lanka Port Authority, a post with a substantial salary and additional allowances.

442. It was further reported that in the case of 16 missing schoolboys from Embilipitiya, believed to have been killed in 1990 and buried in a mass grave, the persons alleged to have been responsible have not been interrogated, brought to trial, or been relieved of their military or police duties.

Information and views received from the Government

443. By notes verbales dated 23 and 27 September and 13 October 1993, the Government provided information on 20 cases of disappearance. As a result, three of these cases were placed under the six-month rule. In three of the cases, the Government responded that the persons had not been arrested or detained and that the Presidential Commission on Involuntary Removal of Persons considered these cases unsubstantiated.

444. In 14 cases, the Government responded that the cases were under investigation by the Presidential Commission. Two cases were considered unsubstantiated by the Presidential Commission. Information from the Human Rights Task Force (HRTF) was also received on these 16 cases. This information, contained in the annual report of the Task Force dated 29 September 1993, was that:

"They (the 16 farmers) were strung together on a long rope and marched off in Indian file and have not been heard of since. This incident had a disturbing effect on the Army Command at Batticaloa and Colombo. A committee of three high ranking Army officials was said to be making inquiries. A Police probe was also said to be on. Nothing has however materialized so far. The HRTF did its usual search but drew a blank. We have the stark possibility that they have been killed staring us in the face. This was aftermath to a confrontation between soldiers of the Rugam Army Camp and the Liberation Tigers of Tamil Eelan (LTTE) in this area, who it is alleged were getting these farmers to reap the harvest in the fields of Vannathi Aru."

445. In relation to a question put to the Government by the Working Group in a follow-up letter of 17 August, relating to conclusions and recommendations included in the Group's reports on visits to the country in 1991 and 1992, the Government responded, by note verbale dated 29 September 1993, as follows.

446. With regard to prevention and clarification, the Government stated that a new unit would soon be set up to investigate the whereabouts of outstanding cases of disappearance. In regard to the number of habeas corpus petitions filed, the Government indicated the relevant figures would have to be obtained from the Provincial High Courts and the Court of Appeal.

447. In respect of governmental bodies, the mandate of the Presidential Commission into Involuntary Removal of Persons was not extended to investigate cases of disappearance alleged to have occurred prior to 11 January 1991. The Commission had completed inquiries into 13 cases to date. The Government stated that the Commission had revised its methodology in order to expedite its work to the effect that the Commission would proceed directly to the determination of whether a prima facie case existed for investigation with a view to prosecution. Eight of the thirteen cases so far examined have been transmitted to the President, at whose discretion the cases may be sent to the Attorney General. None of the cases inquired into by the Commission and forwarded to the Court have been concluded.

448. Information taken against officers in regard to their responsibility for disappearances would reportedly be forthcoming. In regard to the Task Force, 11 district offices were now reported to be in operation, including the head office. The Government stated that the regional officers were required to visit police stations and other places of detention. It was admitted that, although they had full power to receive and obtain information, they were hampered by lack of transport facilities. The details of the places of detention visited by the officers of the Task Force were delineated.

449. The Government further reported that, in regard to the Task Force, there were no established mechanisms but the information obtained was generally satisfactory. It did not have a mechanism for tracking detainees transferred from temporary or unofficial sites of detention, such as military outposts or interrogation centres in areas of conflict. Detainees were visited by the Task Force when they were in an official detention camp.

450. It was furthermore stated that all police officers and armed personnel had been informed by Gazette notification (29 June 1993) that they should inform the relevant senior authorities within 24 hours of arrest (regulation 187). The senior authorities were instructed that they should inform the Task Force forthwith of arrests, although the Emergency Regulations did not indicate a time period for the notification of arrest, except to designate "forthwith", interpreted by the Government as "without undue delay" and "within a reasonable time depending on circumstances of the arrest and facilities available for reporting".

451. As to detention procedures and emergency regulations, the Government stated that administrative steps had been taken to establish reporting requirements for police and security forces.

452. The revised Emergency Regulations had removed several penal provisions contained in the earlier Emergency Regulations. The only punishable offences in the current regulations were terrorist acts, such as those attributed to the LTTE. Since LTTE acts were reported to be perpetrated island-wide, the Government stated that the regulations had to be island-wide. Another factor in this expansion of the emergency regulations was in order to deal with the JVP suspects awaiting trial, who otherwise would be required to be released.

453. Regulation 18 (7) of the Emergency Regulations (17 June 1993) required, in addition, that all officers in charge of places of detention, furnish to the magistrates a list of all detainees at official sites of detention, and notification to a magistrate plus authorization from a deputy inspector-general of police for removal of a detainee from an official site.

454. In regard to persons in the south detained since 1990 under Emergency Regulation 17, the Government stated that they had never been "indefinitely detained" inasmuch as they were detained "on suspicion" of having committed, or being concerned in the commission of a crime under the emergency regulation, and that the investigations leading to trial had not yet been completed. Some had been released after rehabilitation. All releases, transfers, escapes or deaths in custody were monitored.

455. By note verbale dated 19 November 1993, the Government of Sri Lanka provided the Working Group with a situation report which included several topics, inter alia: restoration of law and order in the south; the situation in the north and east of Sri Lanka; relief and rehabilitation measures for the Northern and Eastern provinces; prospects for a long-term political solution; measures for dealing with human rights violations by security forces; measures initiated nationally and internationally to deal with human rights concerns; economic performance and potential for growth.

456. The response of the Government of Sri Lanka to the letter of the Working Group regarding the subject of impunity is contained in chapter I, section F on the question of impunity (para. 59 above).

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	29	0
II.	Outstanding cases	7 997	94
III.	Total number of cases transmitted to the Government by the Working Group	8 053	96
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	43	0
	(b) Cases clarified by the Government's responses a/	25	0
V.	Cases clarified by non-governmental sources b/	31	2

a/ Persons in prison: 12
Persons released: 13

b/ Persons dead: 15
Persons released from detention: 12
Persons in prison: 3
Persons at liberty: 1

Sudan

Information reviewed and transmitted to the Government

457. During the period under review, the Working Group transmitted to the Government of the Sudan six newly reported cases of disappearance. Four cases, which had reportedly occurred in 1993, were transmitted under the urgent action procedure by fax dated 10 May and 19 August 1993.

458. By letter dated 20 October 1993, the Working Group transmitted one new case to the Government of the Sudan, said to have occurred in 1992, and notified it that one other case was considered clarified, based on information provided by the source.

459. By letter dated 3 December 1993, the Working Group transmitted one new case to the Government of the Sudan, which reportedly occurred in 1991. By the same letter, the Working Group notified the Government that one case was considered clarified. With regard to the one new case transmitted to the Government on 3 December 1993, in accordance with the Working Group's methods of work, it must be understood that the Government of the Sudan could not have responded prior to the adoption of the present report.

460. At the time of the adoption of the present report, no information had been received by the Working Group from the Government of the Sudan on any of the outstanding cases.

Information and views received from relatives of missing persons or from non-governmental organizations

461. The cases were submitted by Amnesty International, the Arab Lawyers Union, the International Organization against Torture and other non-governmental sources. Three persons, all members of the former Government, were reportedly arrested in Khartoum in April 1993 together with several others. Their detention had allegedly taken place in a wave of arrests following a peaceful demonstration in Omdurman on 9 April 1993. Members of the security forces reportedly carried out the arrests. One other person, an ex-employee of the forests administration, was reportedly arrested in June 1993, in Damazeen. It is said that he was seen in an alleged secret detention centre ("ghost house") in the town of Wad Medani on 15 July 1993, but he has since disappeared. The person whose disappearance reportedly occurred in 1992, was an army colonel who was allegedly taken at his home by members of the military in August 1992. He was last seen in December 1992 in a prison in Juba. Since then, his fate and whereabouts are unknown. Another person was arrested at his place of work in Khartoum in December 1991 and has since disappeared.

462. Information received from one source indicated that one of the persons who had reportedly disappeared since April 1993 had been released.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	4	0
II.	Outstanding cases	4	0
III.	Total number of cases transmitted to the Government by the Working Group	6	0
IV.	Government responses	0	0
V.	Cases clarified by non-governmental sources a/	2	0

a/ Persons released: 1
Persons at liberty: 1

Syrian Arab Republic

Information reviewed and transmitted to the Government

463. The Working Group's activities in relation to the Syrian Arab Republic are recorded in its previous 10 reports to the Commission. 1/

464. No cases of disappearance were reported to have occurred in 1993. By letter dated 15 June 1993, the Government was informed that, based on its replies, the Working Group had applied the six-month rule in two outstanding cases. By letter dated 3 December 1993, the Working Group notified the Government that the two six-month rule cases were considered clarified. By the same letter, the Working Group transmitted nine newly reported cases to the Government.

Information and views received from relatives of missing persons or from non-governmental organizations

465. The eight newly reported cases were submitted by the International Federation of Human Rights.

Information and views received from the Government

466. By note verbale dated 27 April 1993, the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva informed the Working Group of the permanent address of the two persons in the above-mentioned six-month rule cases. In one case, the Government also stated that the person had been amnestied and released.

467. By note verbale dated 12 October 1993, the Government responded to the Working Group's letter dated 27 July 1993 on the implementation of the Declaration on enforced disappearances.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	
II.	Outstanding cases	9	0
III.	Total number of cases transmitted to the Government by the Working Group	15	0
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	5	0
	(b) Cases clarified by the Government's responses a/	5	0
V.	Cases clarified by non-governmental sources b/	1	0

a/ Persons in prison: 3
Persons released: 2

b/ Persons released: 1

Tajikistan

468. During the period under review, the Working Group transmitted six cases of alleged enforced or involuntary disappearance to the Government of Tajikistan, three of which were said to have occurred in 1993.

469. The cases were submitted by Amnesty International. Two of these cases were transmitted under the urgent action procedure, for the first time, on 7 September 1993, and concerned two brothers from the Garm region who had gone into exile in Moscow in January 1993, and who were allegedly abducted by paramilitary personnel acting under the orders of - or with the acquiescence of - the governmental authorities. One brother is a Garmi member of Parliament. Owing to difficulties in transmitting these cases to the Government through the normal channels of communication, the cases were retransmitted to the Permanent Mission of Tajikistan to the United Nations in New York on 23 November 1993, for subsequent transmittal to the Government of Tajikistan.

470. Four cases were transmitted by letter dated 20 October 1993 and concerned persons who had reportedly disappeared in the capital, Dushanbe. They are said to have included a medical doctor, and persons from ethnic minorities.

Information and views received from the Government

471. At the time of the adoption of the present report, no information had been received by the Working Group from the Government of Tajikistan.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	3	0
II.	Outstanding cases	6	0
III.	Total number of cases transmitted to the Government by the Working Group	6	0
IV.	Government responses	0	

Thailand

Information reviewed and transmitted to the Government

472. The Working Group's activities in relation to Thailand are recorded in its previous report to the Commission. 1/

473. No cases of disappearance were reported to have occurred in 1993. By letter dated 22 January 1993, the Government was reminded of cases of disappearances transmitted during the previous six months under the urgent action procedure. By letter dated 15 June 1993, the Working Group reminded the Government of outstanding cases transmitted in the past.

474. By letter dated 20 October 1993, the Working Group thanked the Government for its reply dated 16 August 1993, but informed it that it was considered insufficient to clarify the two cases.

475. By letter dated 3 December 1993, the Working Group thanked the Government for its note verbale dated 11 November 1993, but informed it that it was insufficient to clarify the cases. It further informed the Government that, as requested, it had sought further information from the source.

Information and views received from the Government

476. By note verbale dated 16 August 1993, the Permanent Mission of Thailand to the United Nations Office at Geneva, requested copies of the two outstanding cases. These were sent to the Government on 1 September 1993.

477. By note verbale dated 16 August 1993, the Permanent Mission of Thailand informed the Working Group that the Ministry of the Interior had reported that both the Royal Thai Police Department and the provincial authorities of the province of Ranong had indicated that no arrests had been made involving anyone with the names of the two missing persons.

478. By note verbale dated 11 November 1993, the Government stated that the Thai Police Department and the authorities in the province of Ranong could not locate any persons with the names of the missing persons. It detailed the difficulties involved in trying to locate these persons and requested that further information be sought by the Working Group from the source.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	
II.	Outstanding cases	2	0
III.	Total number of cases transmitted to the Government by the Working Group	2	0
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	2	0
	(b) Cases clarified by the Government's responses	0	
V.	Cases clarified by non-governmental sources	0	

Turkey

Information reviewed and transmitted to the Government

479. The Working Group's activities in relation to Turkey are recorded in its previous three reports to the Commission. 1/

480. During the period under review, the Working Group transmitted 14 newly reported cases of disappearance to the Government of Turkey, which were all reported to have occurred in 1993 and were transmitted under the urgent action procedure. The Group also retransmitted to the Government one case containing additional information submitted by the sources.

481. By letters dated 15 June and 3 December 1993, the Government was notified that six cases were now considered clarified, two based on its replies and four on the basis of further information provided by the source. The Government was also informed that in eight cases the Group had applied the six-month rule. By letter dated 22 January 1993, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure. By letter dated 15 June 1993, the Working Group reminded the Government of all outstanding cases.

Information and views received from relatives of missing persons or from non-governmental organizations

482. All the newly reported cases of disappearance were submitted by Amnesty International. The People's Mojahedin of Iran provided information on the basis of which one case has been considered clarified; the missing person was found dead. The case was subsequently transmitted to the Special Rapporteur on extrajudicial, summary or arbitrary executions.

483. All cases reported during 1993 were transmitted under the urgent action procedure, and all but one occurred in the south-east of Turkey and followed the same pattern: the missing persons had been arrested, but when relatives or lawyers inquired about their fate and whereabouts, their detention was denied by the authorities, in most cases the State Prosecutor. In many cases, the occurrence of torture or ill-treatment at the hands of the security forces was reported or feared. In one case, relatives and fellow villagers who had gone to the authorities to inquire about the fate of two missing persons were arrested and allegedly severely tortured during their two days of detention.

484. One case concerned a journalist from the newspaper Ozgür Gündem who had reportedly been arrested by men in plain clothes believed to be police officers. The offices and the staff of the newspaper had allegedly been under heavy police surveillance for a week before the disappearance of the missing person.

Information and views provided by the Government

485. By a letter dated 11 January 1993, the Permanent Mission of Turkey forwarded the following information concerning Law 3842 (CMUK): this law, which was adopted on 18 November 1992 by the Turkish Parliament and entered into effect on 1 December 1993, amended some provisions of the Code of Criminal Procedures, the Law on Establishment and Prosecution Procedures of the State Police Duties and Powers and the Anti-Terror Law. This constituted a component of the reform package promised by the Government in the field of human rights. Law 3842 contained several provisions aimed at the prevention of ill-treatment and torture during interrogation, regardless of the type of crime investigated. According to this law, detained persons or suspects could benefit from the right to have access to their lawyer at any stage

of the investigation, including custody, and to have him present during interrogation by the police; testimony which was given under custody at the police station should be indicated and signed by the detainee and his lawyer; the maximum period of detention for common collective offences had been reduced from 15 days to 4 days extendable by the judge to 8 days under exceptional circumstances, and persons under detention had the right to inform their relatives. Thus, the period of 4 days was not an "incommunicado" period. The new law also recognized the right of the suspect, his lawyer, his spouse or relatives to petition the Court for immediate release or against the apprehension or extension of detention. A person could not be re-detained on the same charges without new evidence and without decision of the Public Prosecutor.

486. In another letter dated 11 January 1993, the Government informed the Working Group that one of the missing persons was being searched for because of terrorist activities and that there existed no record of his detention at the time of his reported disappearance. In another case the missing person had been arrested for activities in favour of the terrorist organization Dev Sol, but he had been released months before the date of his reported disappearance. An investigation had been opened concerning his alleged disappearance.

487. By a letter dated 14 September 1993, the Government reported that an investigation carried out by the Ministry of the Interior had concluded that the different security offices in the country had no information about the missing persons, but that the investigation was continuing.

488. By a letter dated 16 September 1993, the Government provided the Working Group with the following information: there existed no legal file concerning two of the missing persons; another missing person might have been abducted by the organization for which he allegedly worked; four of the missing persons had never been detained; five of the missing persons had been detained on suspicion of providing refuge to unknown assailants who had fired on the police; one of the missing persons had been arrested and then released, but there existed no detention records for the date of the reported disappearance; another one had been arrested twice but had been released; one of the missing persons had been killed in crossfire between the police and members of the Kurdish Workers Party (PKK); four of the persons had been detained for interrogation and subsequently released.

489. By a letter dated 24 September 1993, the Government informed the Working Group that one of the missing persons had not been taken into custody and that there existed no record of an incident concerning him.

490. By a letter dated 22 October 1993, the Government stated that no such person as the missing person had been taken into custody at the time of the reported disappearance. The Government also provided a reply concerning the Working Group's tentative consideration of the question of impunity.

491. In pursuance of Commission resolution 1993/48, the Permanent Mission of Turkey sent six information notes on 15 November 1993 concerning terrorist acts perpetrated by the PKK. According to these reports, between 1 January and 15 October 1993, 879 persons, including 107 women and 104 children,

were assassinated during attacks against the civilian population. In addition, 889 persons, including 129 women and 71 children, had been severely injured during those attacks. The information notes forwarded by the Permanent Mission also contained a number of detailed accounts of such incidents.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	14	1
II.	Outstanding cases	38	3
III.	Total number of cases transmitted to the Government by the Working Group	44	3
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	30	0
	(b) Cases clarified by the Government's responses a/	2	0
V.	Cases clarified by non-governmental sources b/	4	0

a/ Persons arrested and released: 2

b/ Bodies located and identified: 1
Persons released from detention: 3

Uganda

Information reviewed and transmitted to the Government

492. The Working Group's activities in relation to Uganda are recorded in its previous 11 reports to the Commission. 1/

493. No cases of disappearance were reported to have occurred in 1993. By letter dated 15 June 1993, the Government was reminded of all outstanding cases.

Information and views received from the Government

494. By a facsimile communication dated 31 March 1993, the Government of Uganda requested the Working Group to provide it with a list of the 13 outstanding cases. This information was sent to the Government on 22 April 1993.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	0
II.	Outstanding cases	13	2
III.	Total number of cases transmitted to the Government by the Working Group	20	4
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	10	
	(b) Cases clarified by the Government's responses a/	2	0
V.	Cases clarified by non-governmental sources b/	5	2

a/ Persons released from detention: 1
Persons in prison: 1

b/ Persons at liberty: 3
Persons living abroad: 1
Persons in prison: 1

Uruguay

Information reviewed and transmitted to the Government

495. The Working Group's activities in relation to Uruguay are recorded in its 11 previous reports to the Commission. 1/

496. No cases of disappearance were reported to have occurred in 1993. By letter dated 15 June 1993, the Working Group reminded the Government of all outstanding cases.

497. At the time of the adoption of the present report, no information had been received by the Working Group from the Government of Uruguay with regard to these cases.

Information and views received from relatives of missing persons or from non-governmental organizations

498. By letter dated 14 September 1993, the Servicio Paz y Justica - Uruguay and the Grupo de Madres y Familiares de Uruguayos Detenidos Desaparecidos (FEDEFAM-URUGUAY) submitted their views on the implementation of the Declaration on enforced disappearances.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	
II.	Outstanding cases	31	4
III.	Total number of cases transmitted to the Government by the Working Group	39	7
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	17	-
	(b) Cases clarified by the Government's responses a/	7	3
V.	Cases clarified by non-governmental sources b/	1	0

a/ Persons released from detention: 2
Persons in prison: 4
Child found: 1

b/ Child found: 1

Uzbekistan

499. During the current year, the Working Group transmitted to the Government of Uzbekistan, by letter dated 20 October 1993, one case of enforced or involuntary disappearance which reportedly occurred in 1992. The case was submitted by Amnesty International and concerned a leader of the Islamic Renaissance Party, who was reportedly arrested by men believed to be government agents. His family and supporters have attempted to locate him through official channels, but the Interior Ministry and the National Security Committee have allegedly denied holding him and his whereabouts remain unknown.

500. At the time of the adoption of the present report, no information had been received from the Government of Uzbekistan. The Working Group is, therefore, unable to report on the fate or whereabouts of the missing person.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	
II.	Outstanding cases	1	0
III.	Total number of cases transmitted to the Government by the Working Group	1	0
IV.	Government responses	0	

Venezuela

Information reviewed and transmitted to the Government

501. The Working Group's activities in relation to Venezuela are recorded in its previous three reports to the Commission. 1/

502. During the period under review, the Working Group transmitted one newly reported case of disappearance to the Government of Venezuela, under the urgent action procedure.

503. By letter dated 15 June 1993, the Working Group reminded the Government of the five outstanding cases. By letter dated 5 July 1993, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure. By a letter dated 20 October 1993, the Government was notified that, based on its replies, in one case the Group had applied the six-month rule.

Information and views received from relatives of missing persons or from non-governmental organizations

504. The newly reported case of disappearance was submitted by the Federation of Family Members of Disappeared Persons (FEDEFAM). The case concerned a social worker reportedly injured during the 1992 demonstrations and who was allegedly abducted from a hospital by paramilitary personnel.

Information and views provided by the Government

505. By a letter dated 5 January 1993, the Government provided information on three cases which concerned the disappearance of fishermen. The Government reported that it had contacted the Venezuelan consulates in a number of countries in the region requesting that they verify with the local authorities whether the fishermen had been rescued. However, the authorities have so far been unable to locate the persons concerned.

506. By note verbale dated 25 August 1993, the Permanent Mission of Venezuela to the United Nations Office at Geneva provided information on one case of disappearance transmitted during the reporting period by the Working Group. On the basis of this information, the case was placed under the six-month rule.

507. By note verbale dated 27 October 1993, the Permanent Mission of Venezuela informed the Working Group that, according to its evaluation, there were no outstanding cases of persons alleged to have disappeared.

508. By a note verbale dated 9 November 1993, the Permanent Mission of Venezuela provided a reply concerning the tentative considerations formulated by the Working Group on the question of impunity.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	0
II.	Outstanding cases	5	1
III.	Total number of cases transmitted to the Government by the Working Group	8	1
IV.	Government responses	3	0
	(a) Number of cases on which the Government has provided one or more specific responses		
	(b) Cases clarified by the Government's responses a/	3	0
V.	Cases clarified by non-governmental sources	0	0

a/ Persons dead: 3

Zaire

Information reviewed and transmitted to the Government

509. The Working Group's activities in relation to Zaire are recorded in its second to fourth and sixth to thirteenth reports to the Commission. 1/

510. During the period under review, the Working Group transmitted to the Government of Zaire one newly reported case of disappearance, which allegedly occurred in 1993. The case was transmitted under the urgent action procedure on 12 May 1993.

511. By letter dated 15 June 1993, the Working Group reminded the Government of the 13 outstanding cases of disappearance transmitted in the past. By letter dated 5 July 1993, the Government was reminded of the one case of disappearance transmitted during the previous six months under the urgent action procedure.

512. At the time of the adoption of the present report, no information had been received by the Working Group from the Government of Zaire with regard to these cases. The Group is, therefore, unable to report on the fate or whereabouts of the missing persons.

Information and views received from relatives of missing persons or from non-governmental organizations

513. The newly reported case of disappearance was submitted by Amnesty International and concerned the abduction of the editor-in-chief of a local newspaper from his home by armed guards, reportedly believed to belong to the Special Presidential Division or the Civil Guard. It is believed that his abduction may have been related to an article he published said to have been critical of President Mobutu. All attempts by his relatives to trace his whereabouts are said to have been in vain.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	1	0
II.	Outstanding cases	13	1
III.	Total number of cases transmitted to the Government by the Working Group	19	1
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	17	0
	(b) Cases clarified by the Government's responses a/	6	0
V.	Cases clarified by non-governmental sources	0	

a/ Persons at liberty: 6

Zimbabwe

Information reviewed and transmitted to the Government

514. The Working Group's activities in relation to Zimbabwe are recorded in its six previous reports to the Commission. 1/

515. No cases of disappearance were reported to have occurred in 1993. By letter dated 15 June 1993, the Working Group reminded the Government of Zimbabwe of the one case transmitted in the past.

Information and views received from the Government

516. By note verbale dated 1 June 1993, the Government of Zimbabwe requested a copy of the outstanding case.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	0
II.	Outstanding cases	1	0
III.	Total number of cases transmitted to the Government by the Working Group	1	0
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	1	0
	(b) Cases clarified by the Government's responses	0	

III. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED

Cuba

Information reviewed and transmitted to the Government

517. The Working Group's activities in relation to Cuba are recorded in its ninth, tenth and twelfth reports to the Commission. 1/

518. During the period under review, the Working Group transmitted one newly reported case of disappearance to the Government of Cuba under the urgent action procedure. It concerned a human rights activist arrested on 10 December 1992 at his domicile in Havana and taken to an unknown destination. By letter dated 15 June 1993 the Working Group informed the Government of Cuba that this case was considered clarified on the basis of information provided by the source, which had informed the Group that the person concerned was located a few days after his detention at the police headquarters in Villa Marista.

519. The Group also decided, at its forty-first session, to consider clarified, the case of a Polish citizen reported to have disappeared in 1990. According to the information provided by the Government the disappearance took place in the context of a common crime of rape and murder which was thoroughly investigated by the Cuban police. As a result, two persons were accused and sentenced in accordance with the law. However, they were unable or unwilling to reveal the exact place where they had concealed the body, although it is known that it was in a wooded marshy area near the city of Trinidad.

520. The Working Group also received from the Government of Cuba a reply relating to the application of the Declaration on the Protection of All Persons from Enforced Disappearances.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	0
II.	Outstanding cases	0	0
III.	Total number of cases transmitted to the Government by the Working Group	3	1
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	2	
	(b) Cases clarified by the Government's responses a/	2	1
V.	Cases clarified by non-governmental sources b/	1	0

a/ Persons dead: 2

b/ Persons in prison: 1

Myanmar

Information reviewed and transmitted to the Government

521. The Working Group's activities in relation to Myanmar are recorded in its two previous reports to the Commission. 1/

522. No cases of disappearance were reported to have occurred in 1993. The one outstanding case was considered clarified on the basis of information provided by the Government and upon which no further observation was formulated by the source.

Information and views received from the Government

523. By letter dated 26 February 1993, the Government submitted information concerning the one outstanding case of disappearance. According to this letter, the person concerned had been sentenced to 20 years' imprisonment and was serving his sentence in Mandalay prison.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	0
II.	Outstanding cases	0	0
III.	Total number of cases transmitted to the Government by the Working Group	2	1
IV.	Government responses a/	2	1

a/ Persons in prison: 1
Persons released: 1

Russian Federation

Information reviewed and transmitted to the Government

524. The Working Group's activities in relation to enforced or involuntary disappearances in the Russian Federation are recorded in its previous report.

525. By letter dated 20 October 1993, the Working Group informed the Government of the Russian Federation that the two cases of alleged disappearance which had been transmitted on 12 August 1992 under the urgent action procedure, had been erroneously sent to the Government of the Russian Federation. The cases concerned two medical doctors who had reportedly been abducted from the hospital in Slobadzeye, Moldova. The Working Group has subsequently learned that the persons concerned have been released.

Viet Nam

Information reviewed and transmitted to the Government

526. The Working Group's activities in relation to Viet Nam are recorded in its previous seven reports to the Commission. 1/

527. No cases of disappearance were reported to have occurred in 1993. By letter dated 23 March 1993, the Working Group expressed it appreciation to the Government of Viet Nam for its reply dated 9 September 1992 concerning the arrest and sentence of the missing person, and requested further information about the exact location where the person was being held.

528. By letter dated 15 June 1993, the Working Group reminded the Government of the one outstanding case. By letter dated 20 October 1993, the Working Group informed the Government that the reply contained in its letter dated 6 September 1993 had been sent to the source. By letter dated 3 December 1993, the Working Group informed the Government that the one outstanding case was considered clarified, based on its reply.

Information and views received from non-governmental organizations or from relatives of missing persons

529. By a letter dated 22 October 1993, the source confirmed the information submitted by the Government.

Information and views received from the Government

530. By letter dated 6 September 1993, the Government of Viet Nam informed the Working Group of the name of the prison in which the subject was being held, and provided details on his health.

531. The Permanent Mission of Viet Nam to the United Nations Office at Geneva also informed the Working Group that its letter dated 27 July 1993 concerning the implementation of the Declaration on the Protection of all Persons from Enforced Disappearances, had been forwarded to the appropriate authorities in the capital.

Statistical summary

		Total	Females
I.	Cases reported to have occurred in 1993	0	0
II.	Outstanding cases	0	0
III.	Total number of cases transmitted to the Government by the Working Group	8	2
IV.	Government responses		
	(a) Number of cases on which the Government has provided one or more specific responses	5	0
	(b) Cases clarified by the Government's responses a/	4	0
V.	Cases clarified by non-governmental sources b/	4	2

a/ Persons in prison: 3
Persons released: 4

b/ Persons released: 4

IV. CONCLUSIONS AND RECOMMENDATIONS

532. Since the Working Group was established, 13 years ago, one event stands out as the single most encouraging achievement in combating disappearances worldwide: the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance. By proclaiming the Declaration, on 18 December 1992, the international community, more clearly than ever before, expressed its commitment to put an end to perhaps the most comprehensive and pernicious way of violating human rights. Comprehensive, since making people disappear amounts to infringing upon a variety of human rights, including, as the Declaration points out, the right to life, the right to liberty and security of the person and the right not to be subjected to torture. Pernicious, since a disappearance places the victim outside the protection of the law, as the preamble phrases it. Enforced disappearance "undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms", the preamble continues. The most striking expression, however, of how the General Assembly views the phenomenon is the stipulation in the Declaration that the systematic practice of disappearance "is of the nature of a crime against humanity".

533. The past year has shown that the policy and practice of many States run counter to the Declaration. While disappearances continue to be reported to the United Nations, many Governments have not shown any determination to reflect the provisions of the Declaration in their national legislation. In this context, reference may be made to article 4, which provides that "all acts of enforced disappearance shall be offences under the criminal law"; to article 17, positing that such acts "shall be considered a continuing offence"; and to article 18, that perpetrators "shall not benefit from any special amnesty law".

534. There is every reason for the international community to remain alert, for the phenomenon of disappearances is still rampant. In 1993, over 3,000 cases of enforced disappearance throughout the world were transmitted by the Working Group to a total of 30 Governments. It should be noted, however, that of the cases so transmitted, only 118 were reported as having occurred in 1993. In comparison, during the previous year 8,000 cases were transmitted to 59 Governments, of which 353 cases were reported to have taken place in 1992. Doubtless, it would be an error to conclude that disappearances worldwide have diminished by more than 50 per cent. The numbers quoted, as the Working Group has stated time and again, do not necessarily reflect the actual incidence of the phenomenon, since the United Nations is dependent on external sources for information on individual cases. The Working Group estimates that the real number of disappearances is higher. Progress in dealing with the problem has not been such that attention could instead be directed to other forms of violation, perceived as more pressing.

535. The growing commitment of the United Nations to peace-making is of relevance to the Working Group's mandate as well. Some of these operations, such as the ones in Cambodia and El Salvador, have contained a strong human rights verification component. Thus, depending on the situation concerned, such operations may enhance greater respect for human rights. In El Salvador, for example, no more cases of enforced disappearance are being reported. Wherever appropriate, the United Nations should incorporate such a component in the mandate of such operations.

536. Of course, in certain situations the difficulties are overwhelming. The situation in Yugoslavia is a case in point. It stands out as an armed conflict of dramatic proportions and has caused thousands of cases of disappearance. Consequently, the Working Group has followed developments in the region with great concern. The fact is, however, that the Working Group's methods of work were not designed to handle situations of the size and nature the world is witnessing in the former Yugoslavia. It was for this reason that the Working Group, in its report last year, drew special attention to the question of how cases of disappearance from that area should be dealt with by the United Nations. At the request of the Special Rapporteur on the situation of human rights in the former Yugoslavia, one of the Group's members carried out a mission to parts of the territory of the former Yugoslavia. On the basis of the report on the mission, and following consultations with the Special Rapporteur and the International Committee of the Red Cross, the Working Group has decided to propose to the Special Rapporteur the establishment of a special procedure by the Commission on Human Rights. All cases of missing persons in any part of the former Yugoslavia should be considered under this "special process", regardless of whether the victim is a non-combatant civilian or a combatant, and irrespective of whether the perpetrators are connected to the Government or not. This special procedure should be implemented as a joint mandate by one member of the Working Group acting in his individual capacity and the Special Rapporteur on the situation of human rights in the former Yugoslavia, resulting in their submission of joint reports to the Commission on Human Rights.

537. One of the problems encountered in the former Yugoslavia as regards clarifying cases of missing persons concerns clandestine mass graves. This aspect prompts the Working Group to draw the Commission's attention once again to the wider question of exhumation and identification of possible victims of human rights violations, an important element in the investigation of cases of disappearance in any part of the world. The Working Group has found that in some situations local authorities cooperate with international forensic scientists and implement the standards internationally accepted for this purpose. But it is a matter of concern that in many other situations independent forensic teams are not only denied cooperation but are intimidated and subjected to reprisal. Needless to say, such situations are intolerable.

538. In connection with the relevance of forensic sciences to the clarification of disappearances, the Working Group continued its contacts with relevant professional organizations. It brought the results of these contacts to the attention of the Secretary-General, pursuant to Commission resolution 1993/33. The Group welcomes establishment by the Secretary-General of a list of forensic experts and experts in related disciplines. Such experts, it is envisaged, can be requested to help in providing technical and advisory services in this field. They can also be of use to international human rights mechanisms, Governments and the Centre for Human Rights in other activities, such as monitoring and training local investigative teams.

539. As a final observation of a more general nature, the Working Group is pleased to note that more and more people, government officials as well as human rights activities, are becoming increasingly aware of the Group's attempts to achieve positive results in its humanitarian work. Cooperation with most Governments is improving. Nevertheless, the following Governments have failed to extend a minimum of cooperation, for they have not sent even a single reply to the Working Group's communications despite having received at

least one reminder, and in most cases several reminders: Afghanistan, Angola, Bulgaria, Burkina Faso, Burundi, Guinea, Mauritania, Rwanda and Mozambique. The Commission should consider drawing the attention of these Governments to their obligations.

540. The Working Group remains concerned at the continuing problem of the inadequacy of resources placed at its disposal for the fulfilment of its task. Indeed, the staff servicing the Group was further reduced in 1993 owing to the increase in Special Procedures mandates by the Commission on Human Rights, for which almost no additional human resources were made available and which therefore had to be, to a large extent, accommodated within existing resources. The unfortunate consequence of this situation is that a backlog of some 8,000 cases is being carried over to the year 1994. This number does not include the 11,103 cases that have so far been received from the former Yugoslavia and which the Group estimated to constitute only a portion of the actual number of cases that will be reported in the months to come. The Group has made extensive reference to all the negative consequences this situation entails in the conclusions to its previous report (E/CN.4/1993/25, paras. 522-523). At this juncture it wishes to appeal once again to the Commission as its parent body, as well as to its members individually, to take every possible measure which would increase the staff support which the Working Group urgently requires to carry out its mandate effectively.

V. ADOPTION OF THE REPORT

541. At the last meeting of its forty-first session, on 3 December 1993, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances.

Ivan Tosevski Chairman/Rapporteur	(Former Yugoslav Republic of Macedonia)
Agha Hilaly	(Pakistan)
Jonas K.D. Foli	(Ghana)
Diego Garcia-Sayan	(Peru)
Manfred Nowak	(Austria)

Note

1/ Since its creation in 1980, the Working Group has submitted a report to the Commission annually, starting at the thirty-seventh session of the Commission. The document symbols of the previous 13 reports are as follows:

E/CN.4/1435 and Add.1
E/CN.4/1492 and Add.1
E/CN.4/1983/14
E/CN.4/1984/21 and Add.1 and 2
E/CN.4/1985/15 and Add.1
E/CN.4/1986/18 and Add.1
E/CN.4/1987/15 and Corr.1 and Add.1
E/CN.4/1988/19 and Add.1
E/CN.4/1989/18 and Add.1
E/CN.4/1990/13
E/CN.4/1991/20 and Add.1
E/CN.4/1992/18 and Add.1
E/CN.4/1993/25 and Add.1.

Annex I

List of new non-governmental organizations which have contacted the Working Group from January 1992 to December 1993

Aceh Sumatra National Liberation Front, (Sweden)

Arab Lawyers Union (Egypt)

Association de Défense des Droits de l'homme au Maroc (France)

Centre d'études et de recherches sur les relations entre le Tiers Monde et l'Europe (Switzerland)

Centre for the Defense of the Individual (Israel)

Centre ecuménique des droits de l'homme (Haiti)

Central Tibetan Administration (India)

Committee for the Defence of Human Rights (Nigeria)

Committee for the Protection of Human Rights and Freedoms (Switzerland)

Helsinki Watch (United States)

International Law Group on Human Rights (United States)

International League for the Rights and Liberation of Peoples (Switzerland)

International PEN Writers in Prison Committee (United Kingdom)

Mothers for Peace (Croatia)

Neighbour to Neighbour (United States)

Sanjak Committee for the Protection of Human Rights and Freedoms (Yugoslavia)

Sikh Human Rights Internet (United Kingdom)

Supreme Council of Islamic Revolution in Iraq (Switzerland)

Thai Coalition for Democracy (United States)

Tibet Bureau (Switzerland)

Washington Office on Latin America (United States)

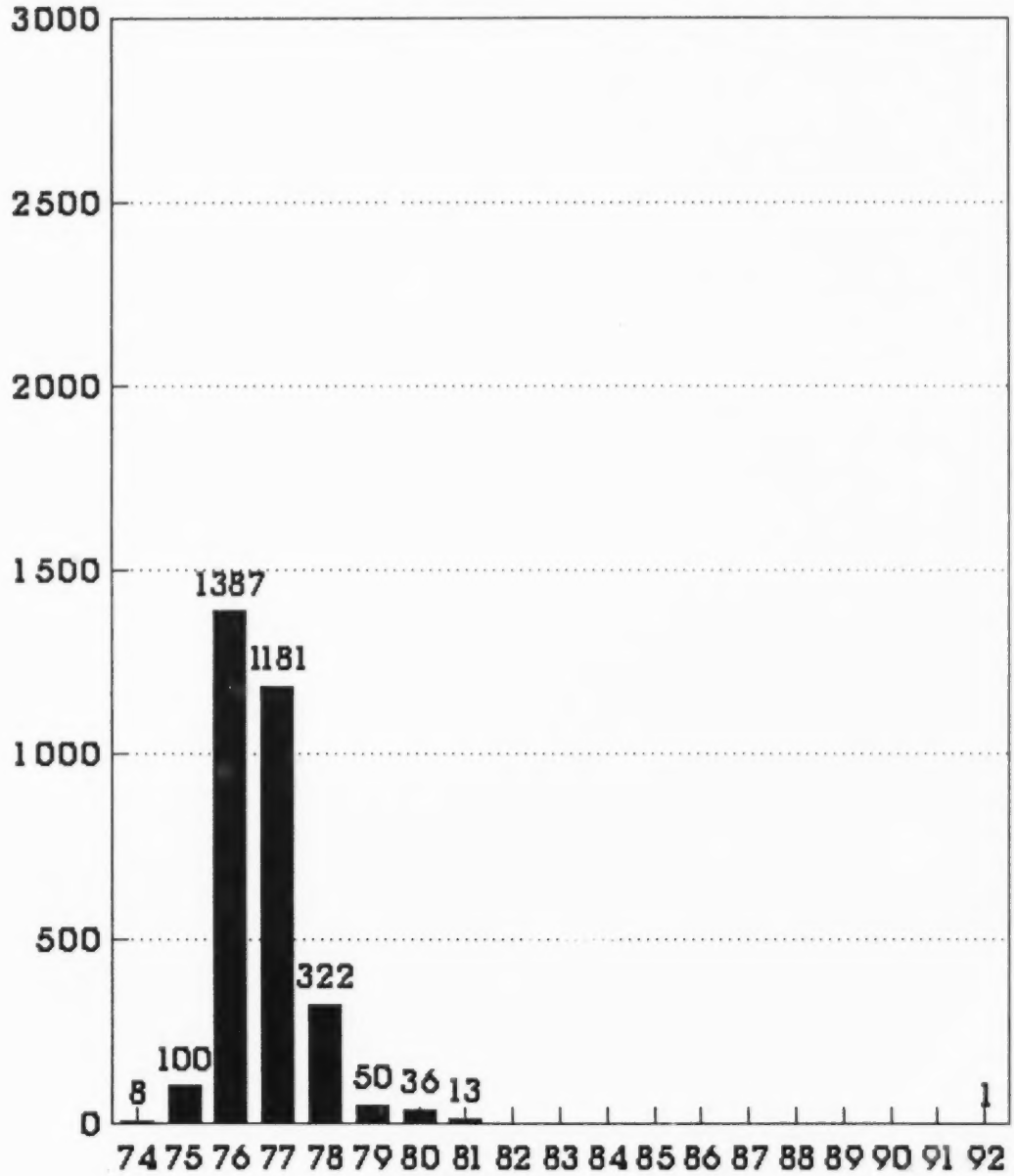
World Tamil Movement (Switzerland)

Annex II

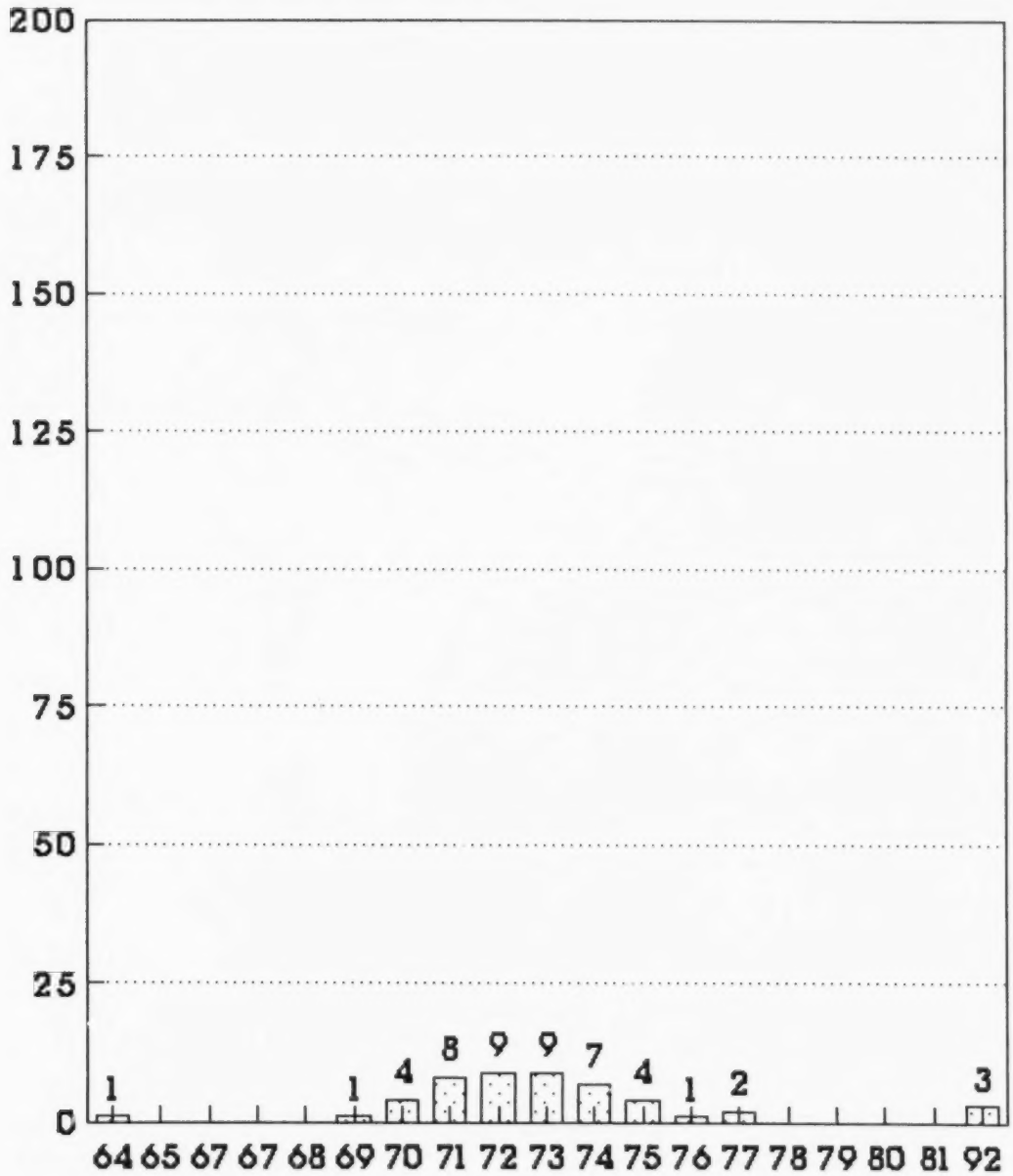
GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH MORE THAN 50 TRANSMITTED CASES DURING THE PERIOD 1974-1992

These graphs do not include cases of disappearance for the year under consideration as many cases are often received by the Working Group only during the following year.

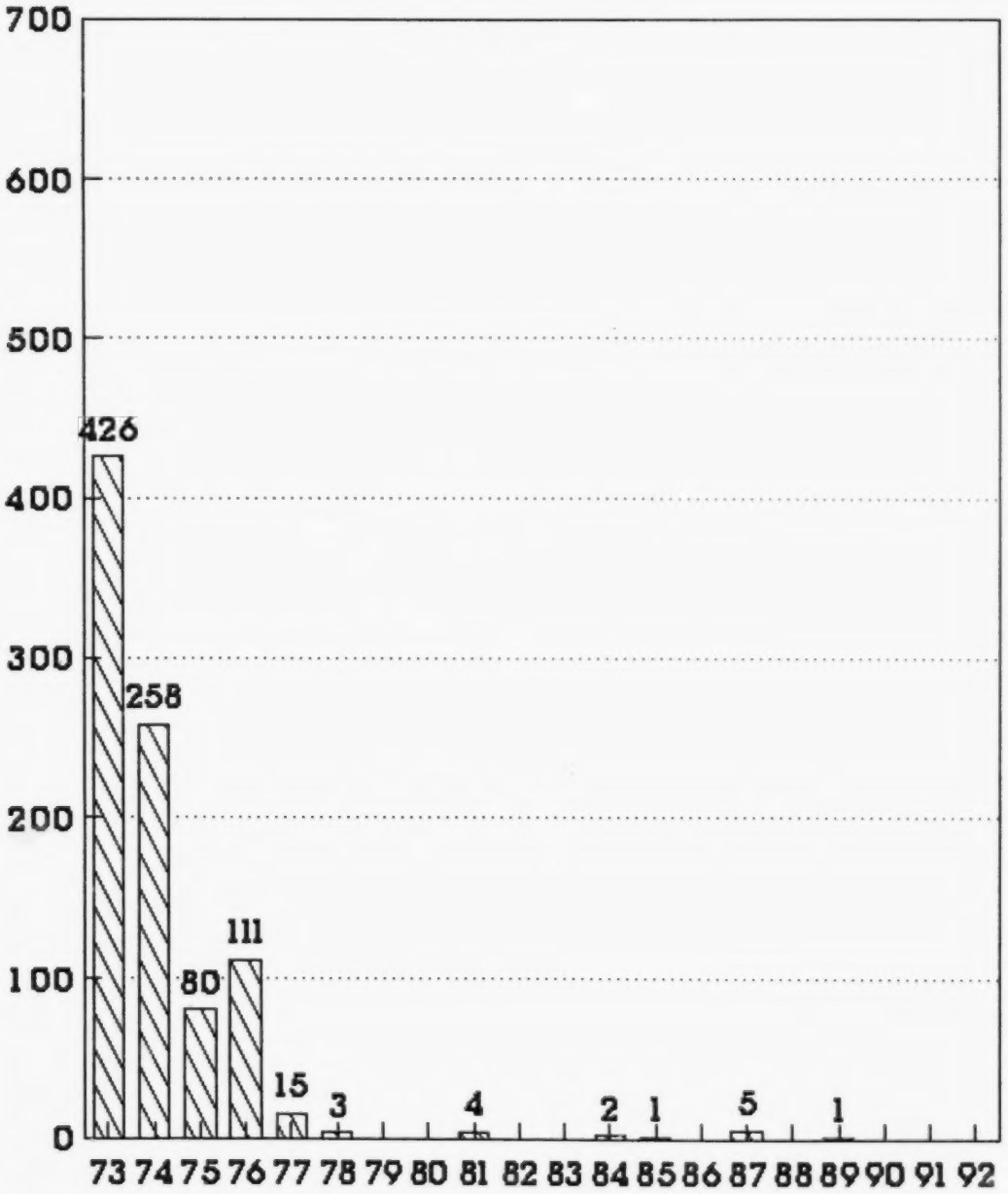
DISAPPEARANCES IN ARGENTINA
OVER THE PERIOD 1974-1992



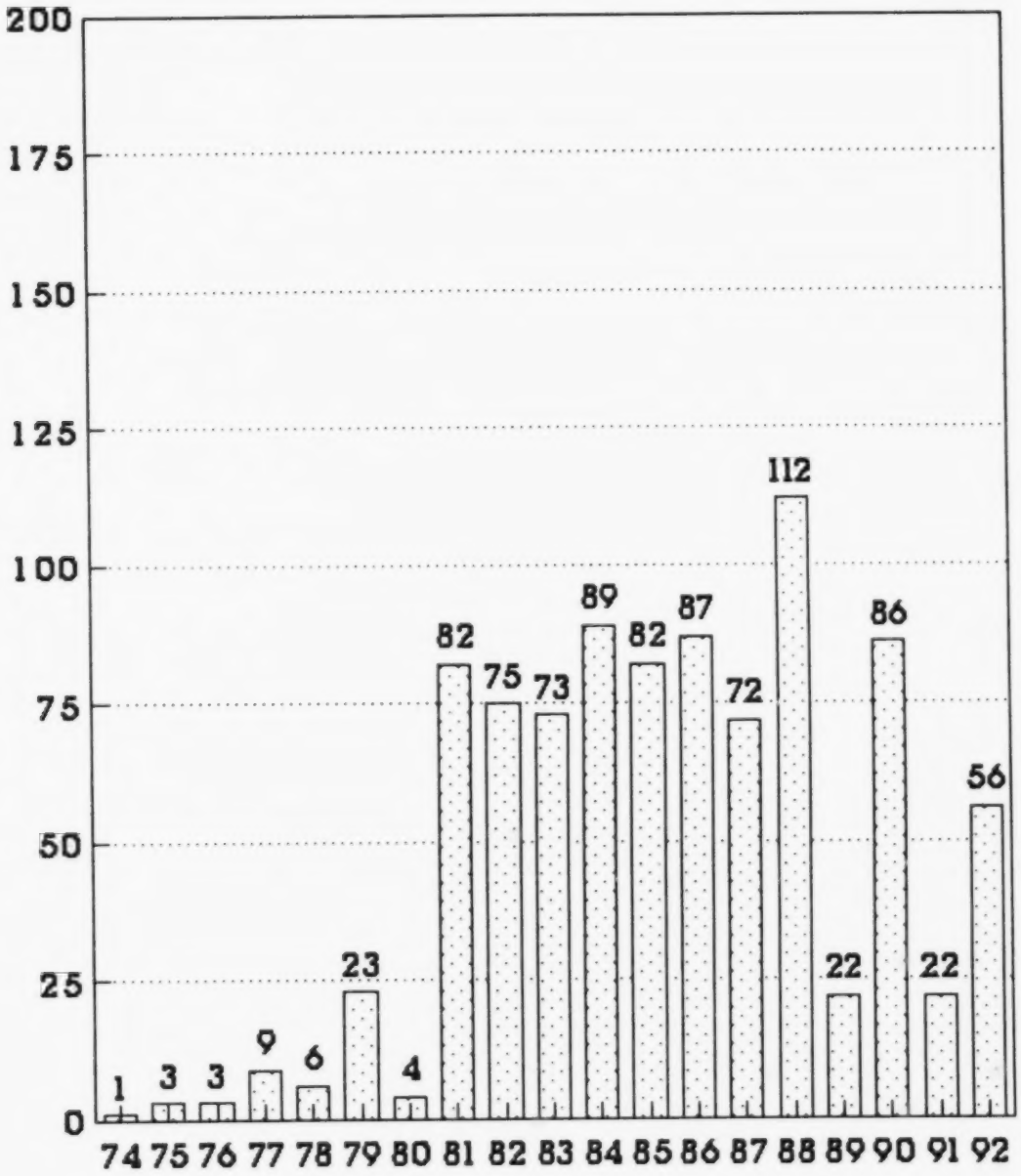
DISAPPEARANCES IN BRAZIL OVER THE PERIOD 1974-1992



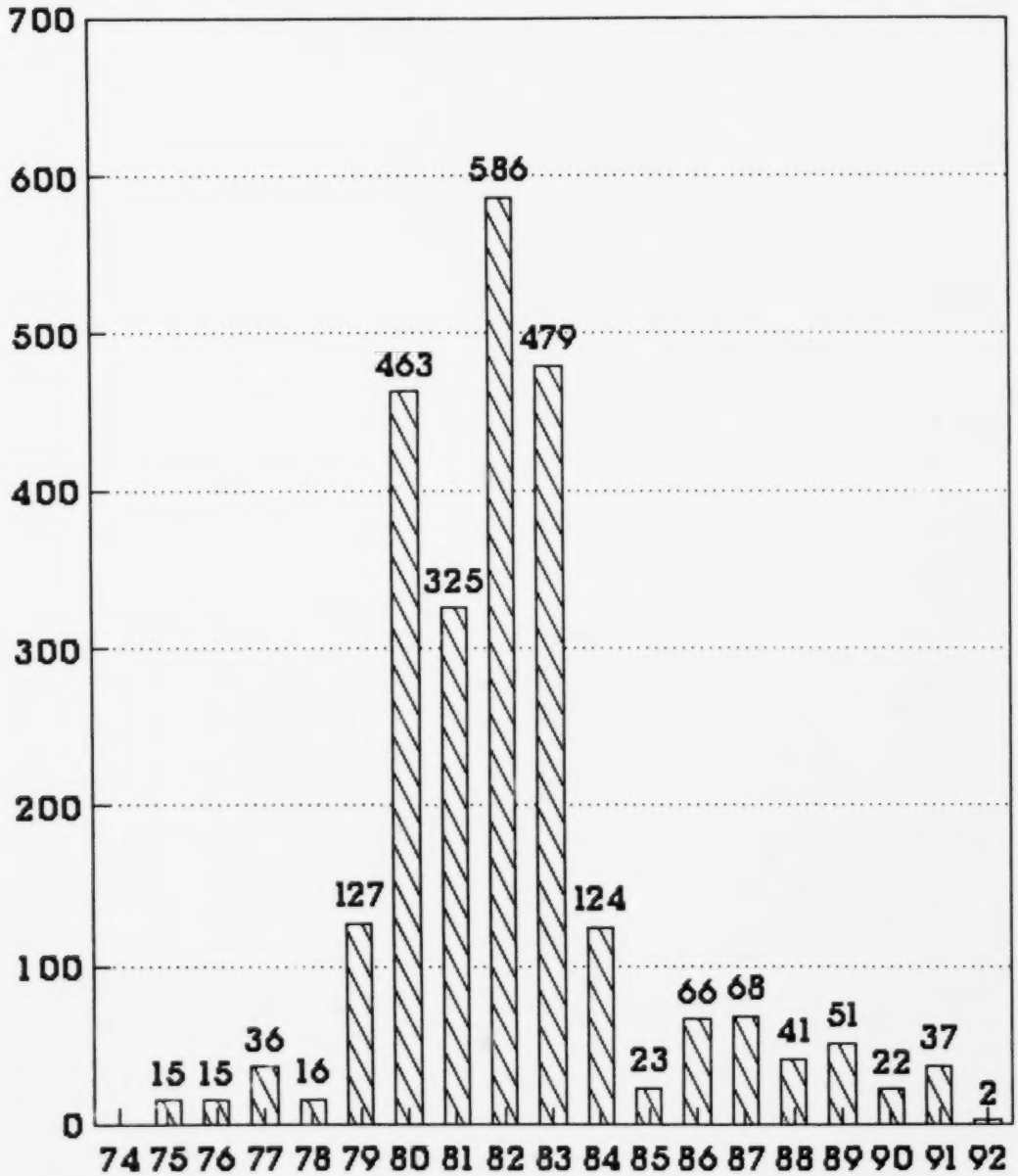
DISAPPEARANCES IN CHILE
OVER THE PERIOD 1973-1992



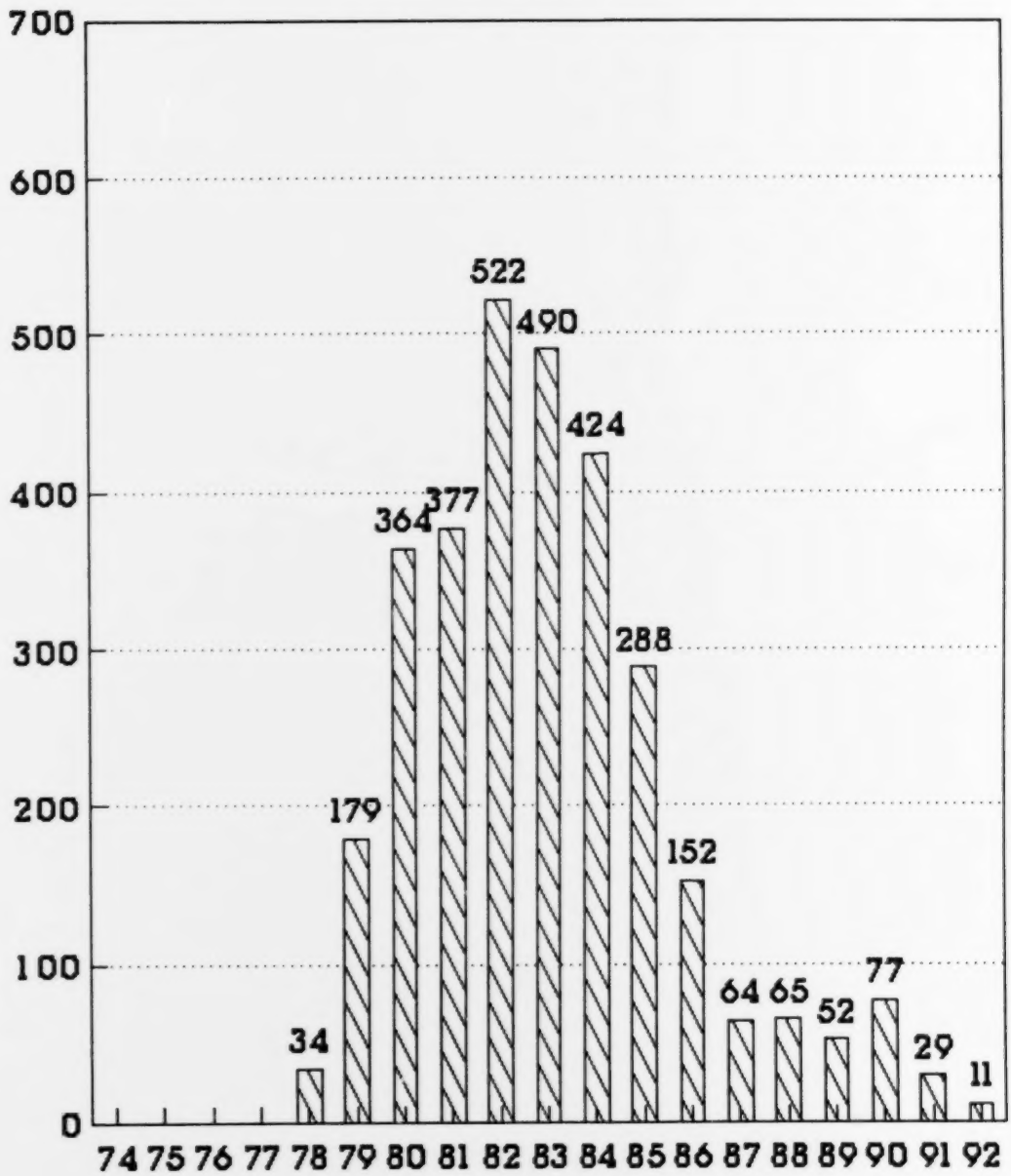
DISAPPEARANCES IN COLOMBIA OVER THE PERIOD 1974-1992



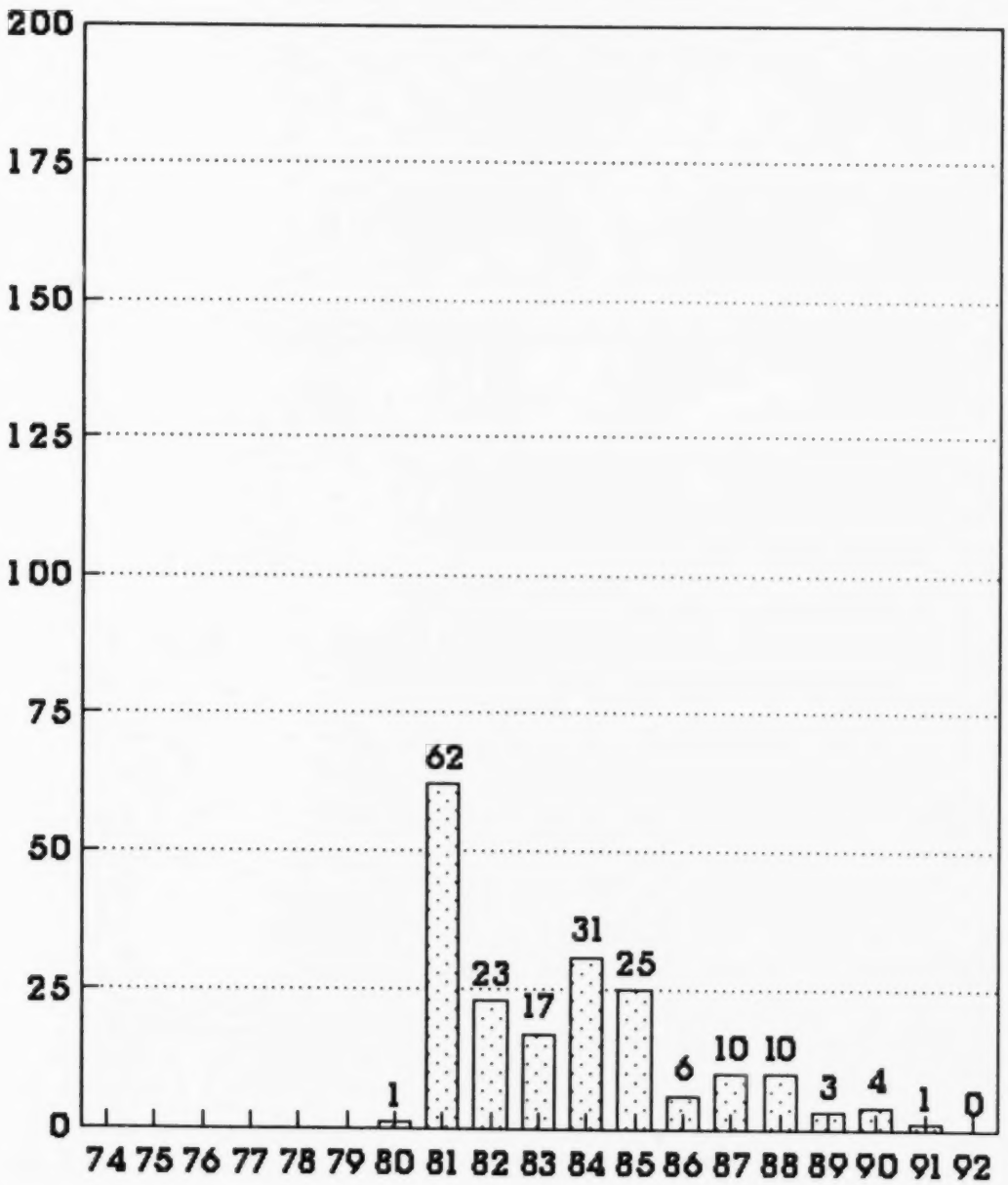
DISAPPEARANCES IN EL SALVADOR OVER THE PERIOD 1974-1992



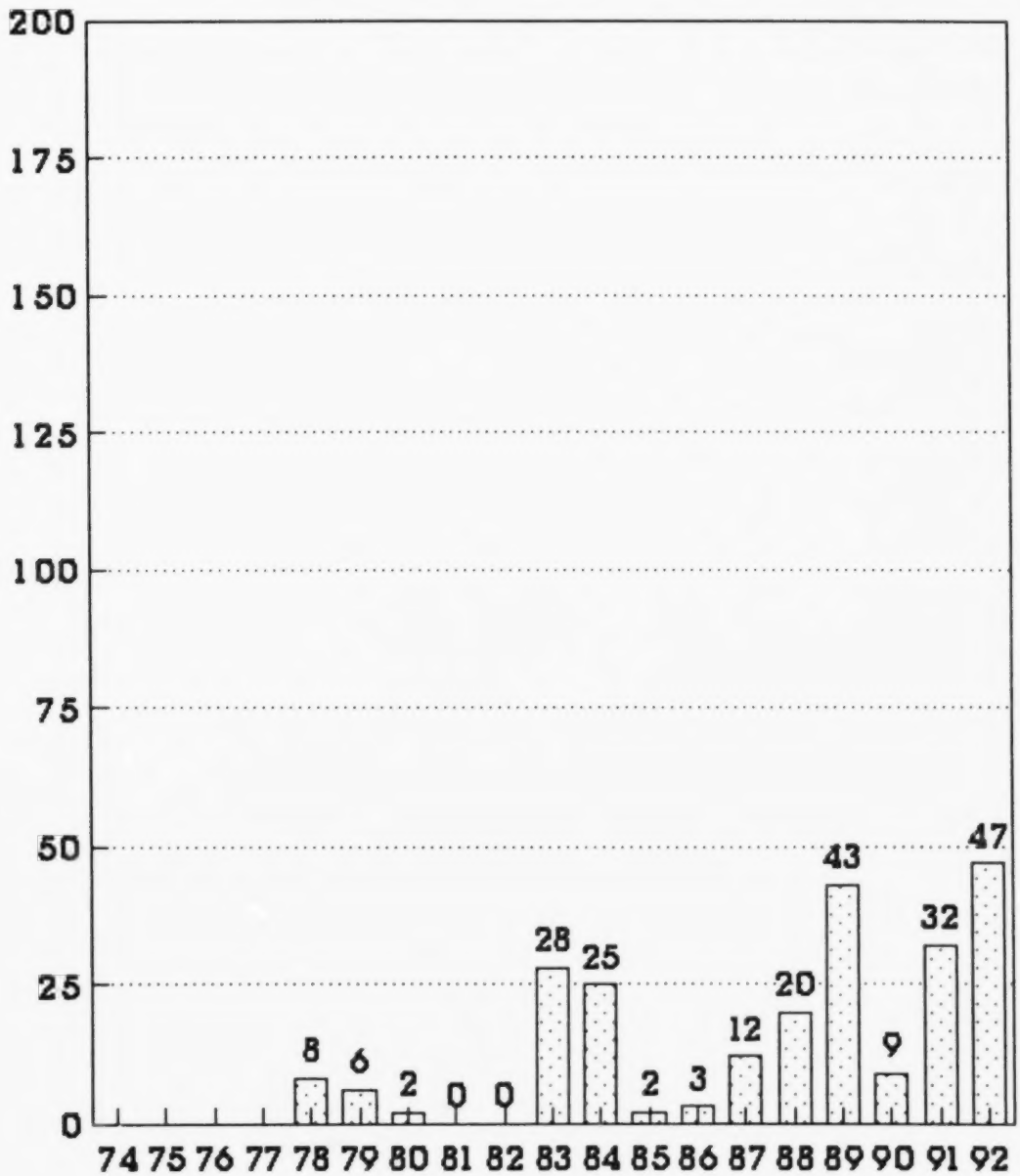
DISAPPEARANCES IN GUATEMALA OVER THE PERIOD 1974 -1992



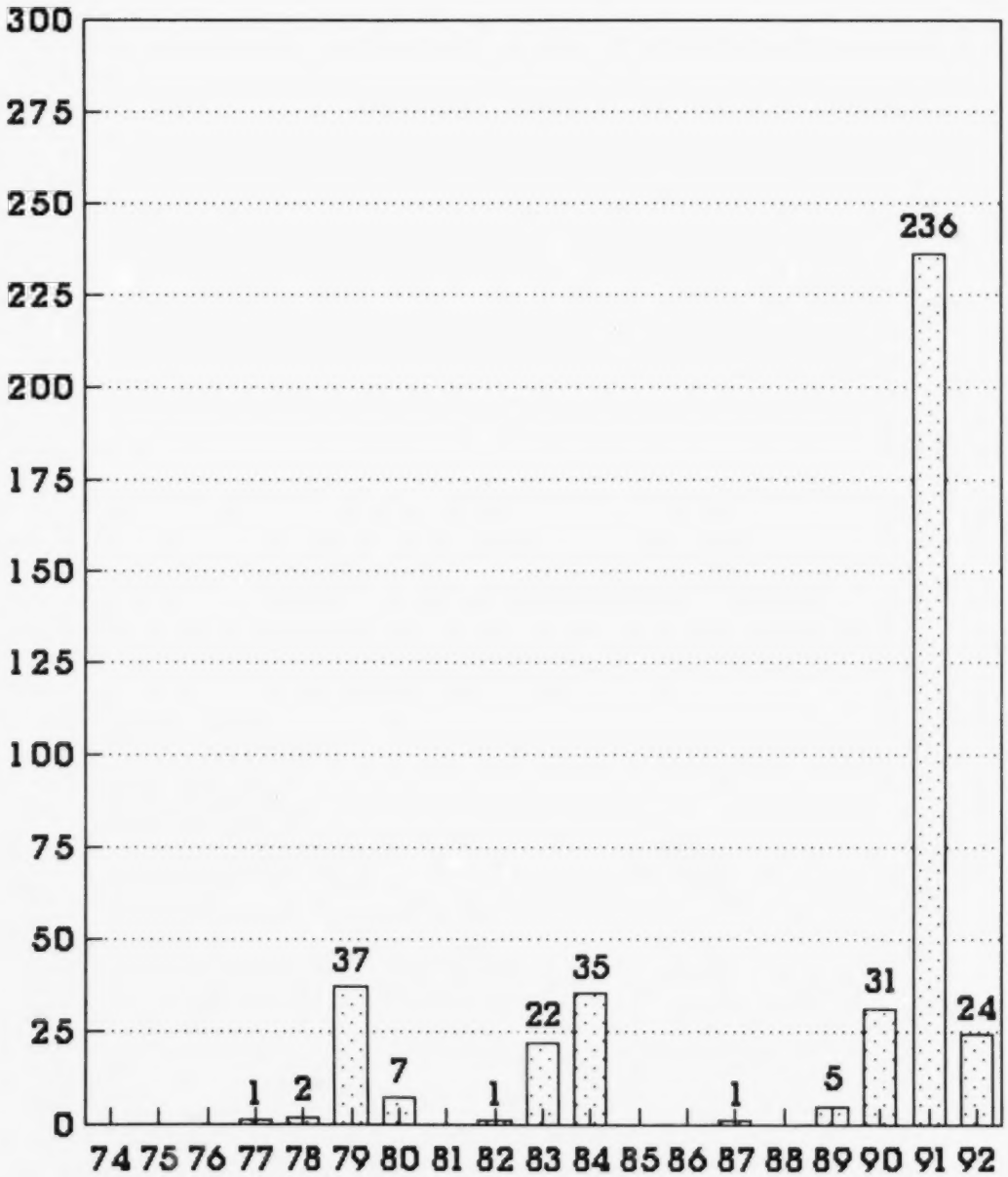
DISAPPEARANCES IN HONDURAS OVER THE PERIOD 1974-1992



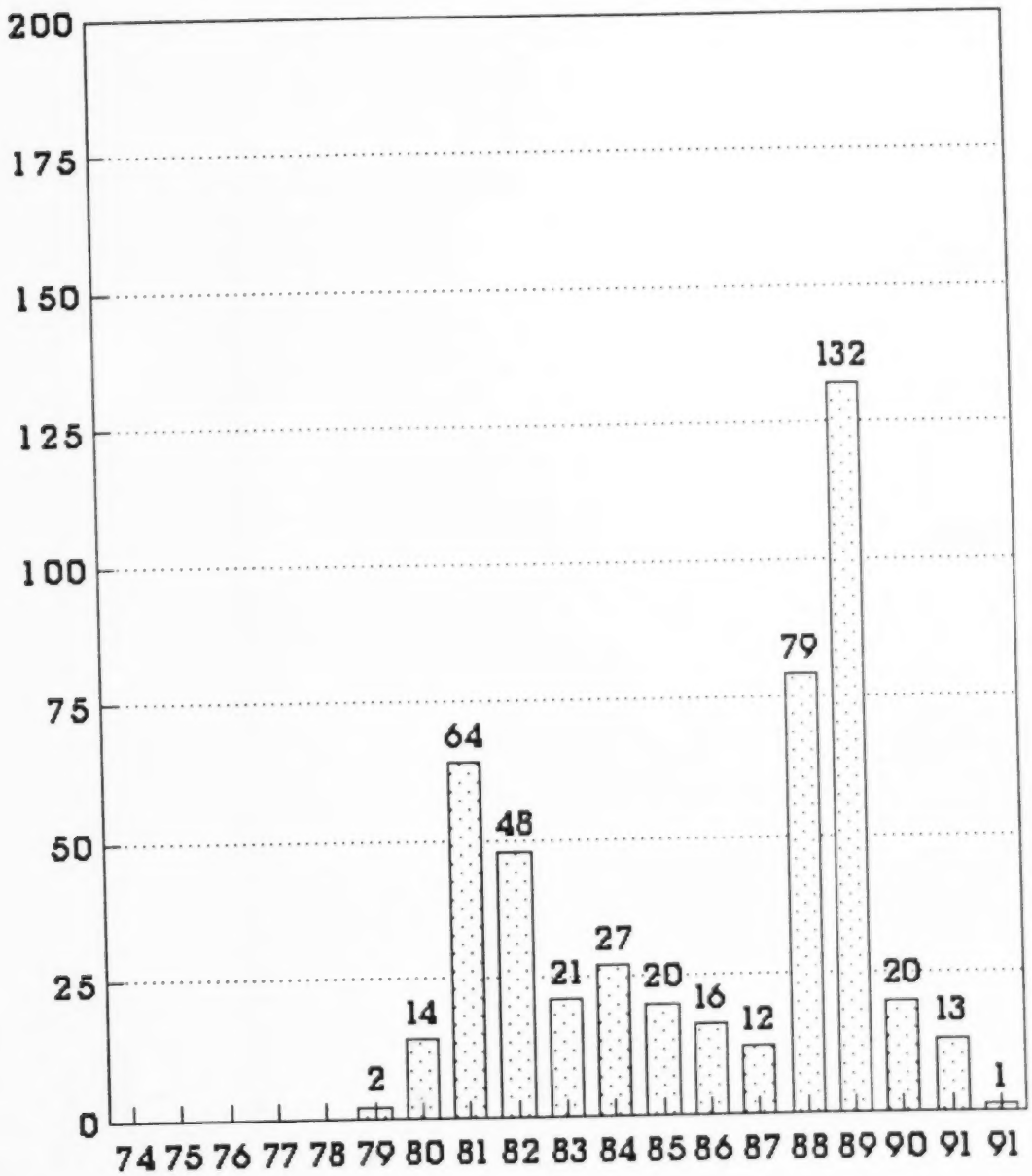
DISAPPEARANCES IN INDIA OVER THE PERIOD 1974-1992



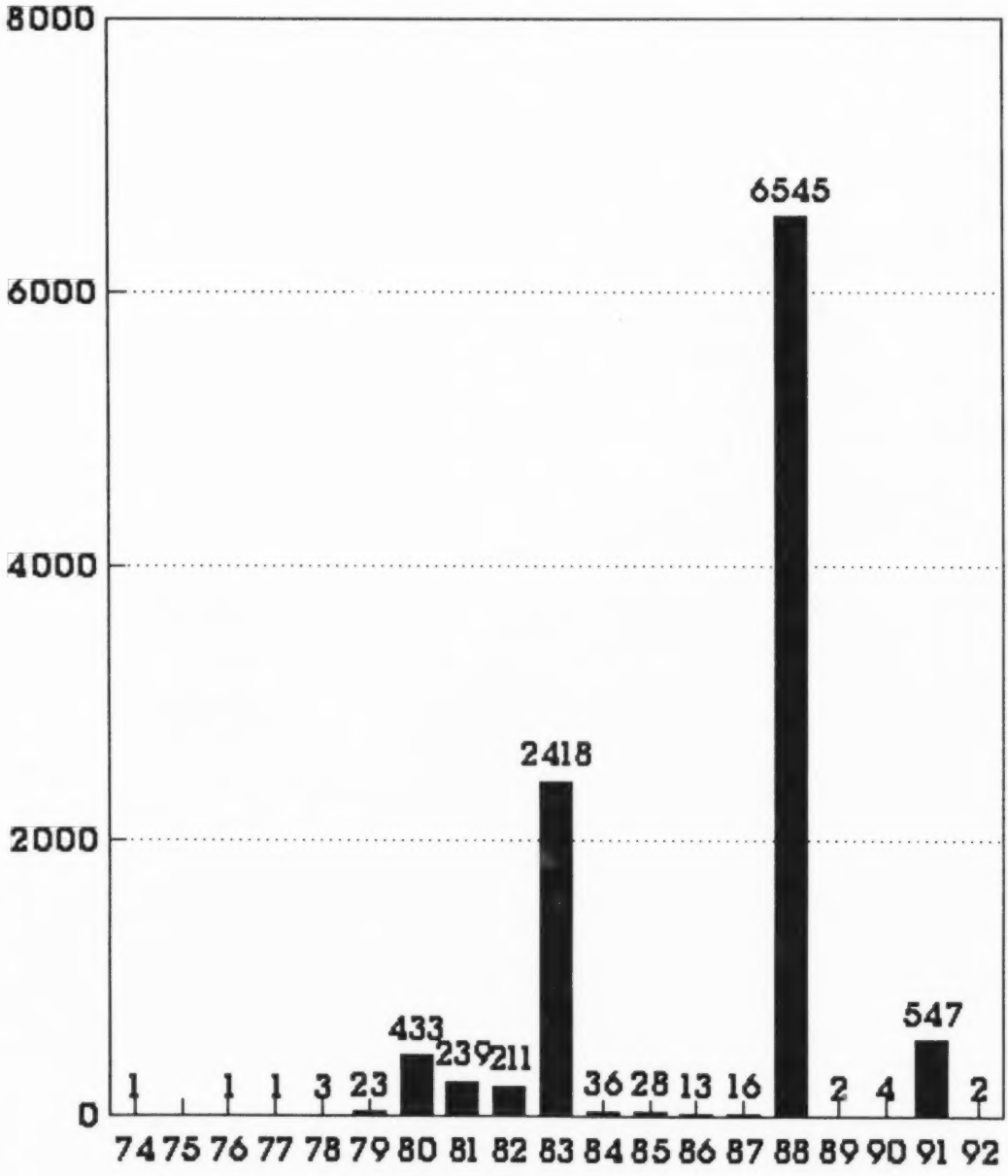
DISAPPEARANCES TRANSMITTED TO INDONESIA OVER THE PERIOD 1974-1992



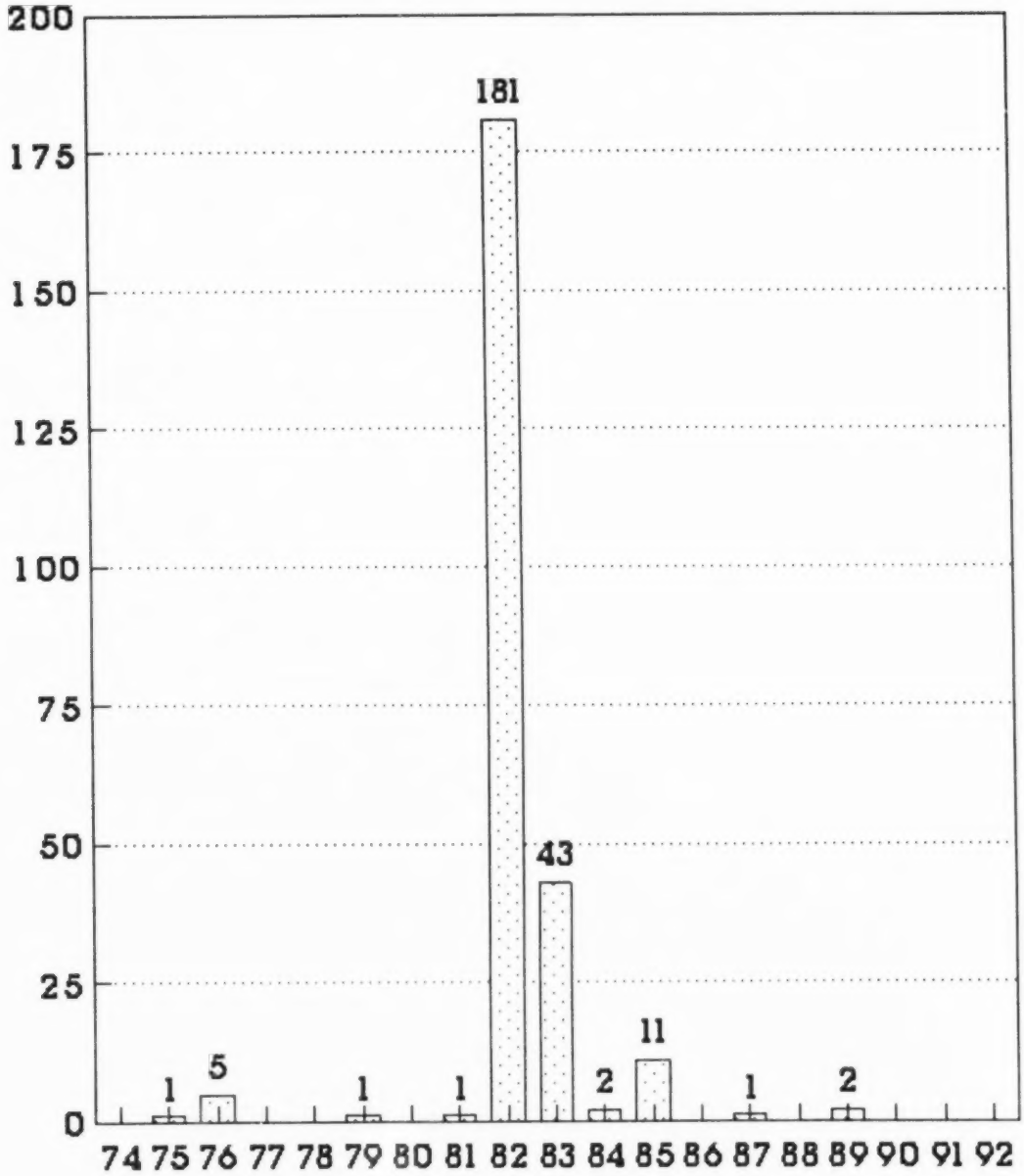
DISAPPEARANCES IN THE ISLAMIC REPUBLIC OF IRAN OVER THE PERIOD 1974-1992



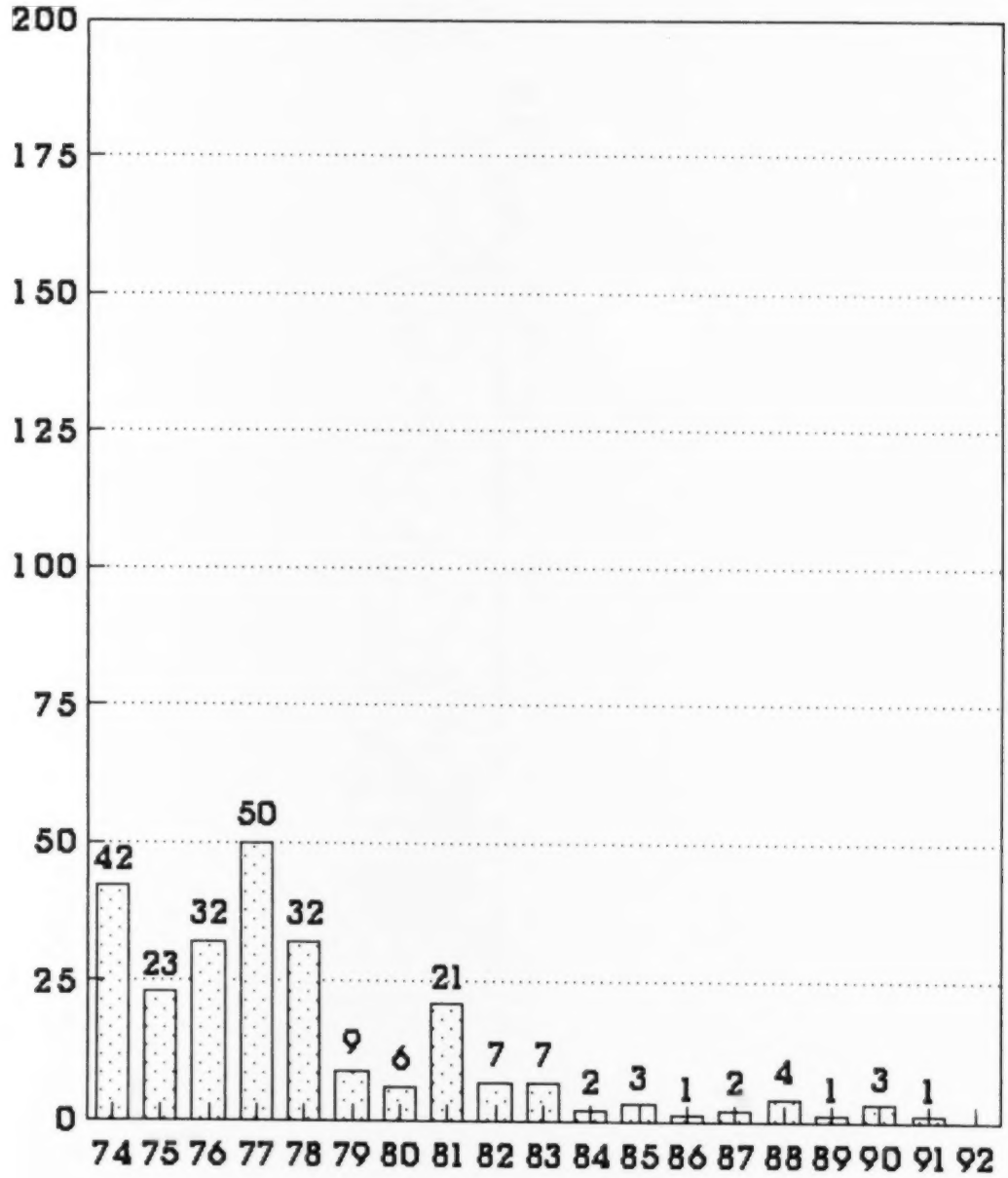
DISAPPEARANCES IN IRAQ OVER THE PERIOD 1974-1992



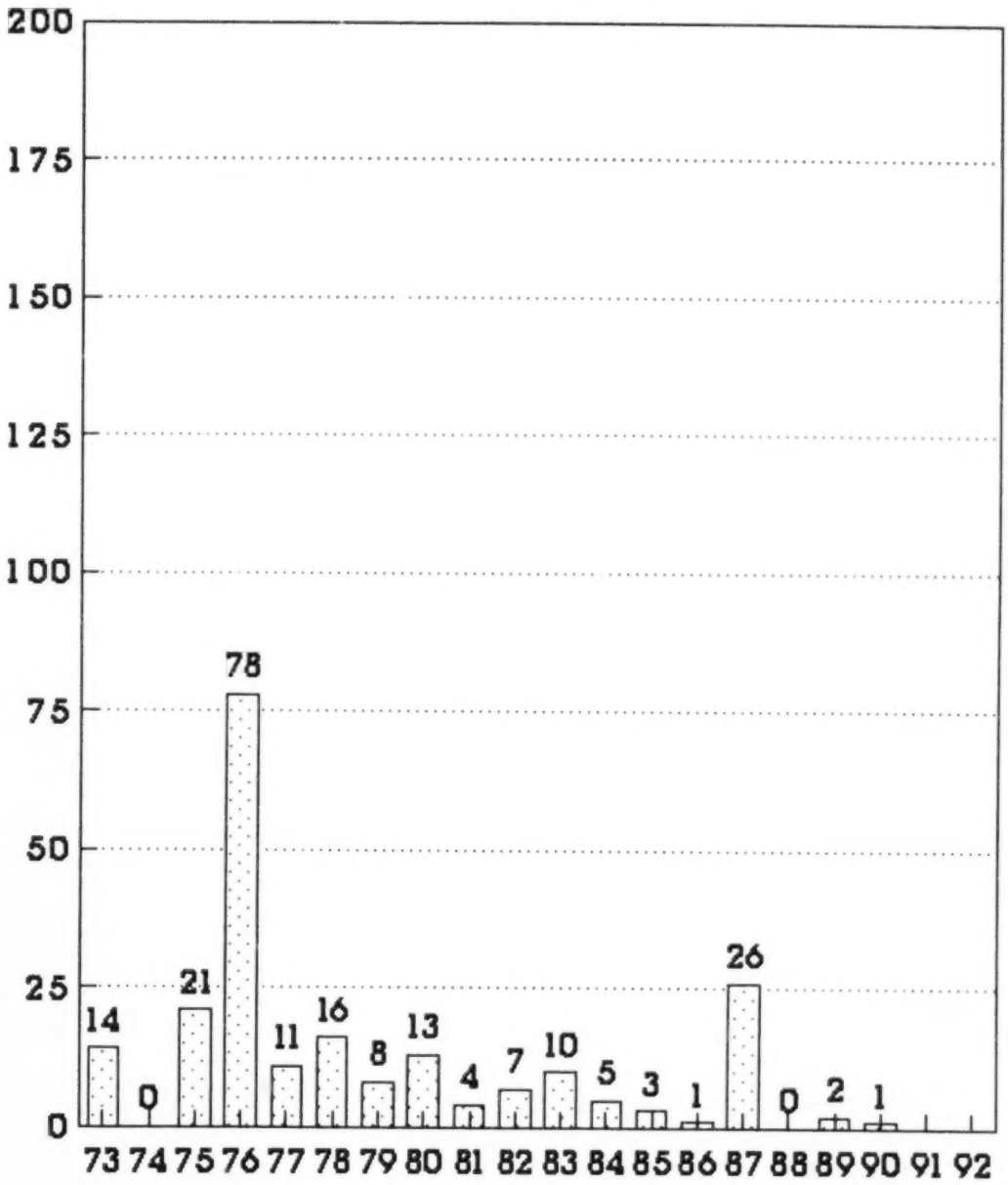
DISAPPEARANCE IN LEBANON OVER THE PERIOD 1974-1992



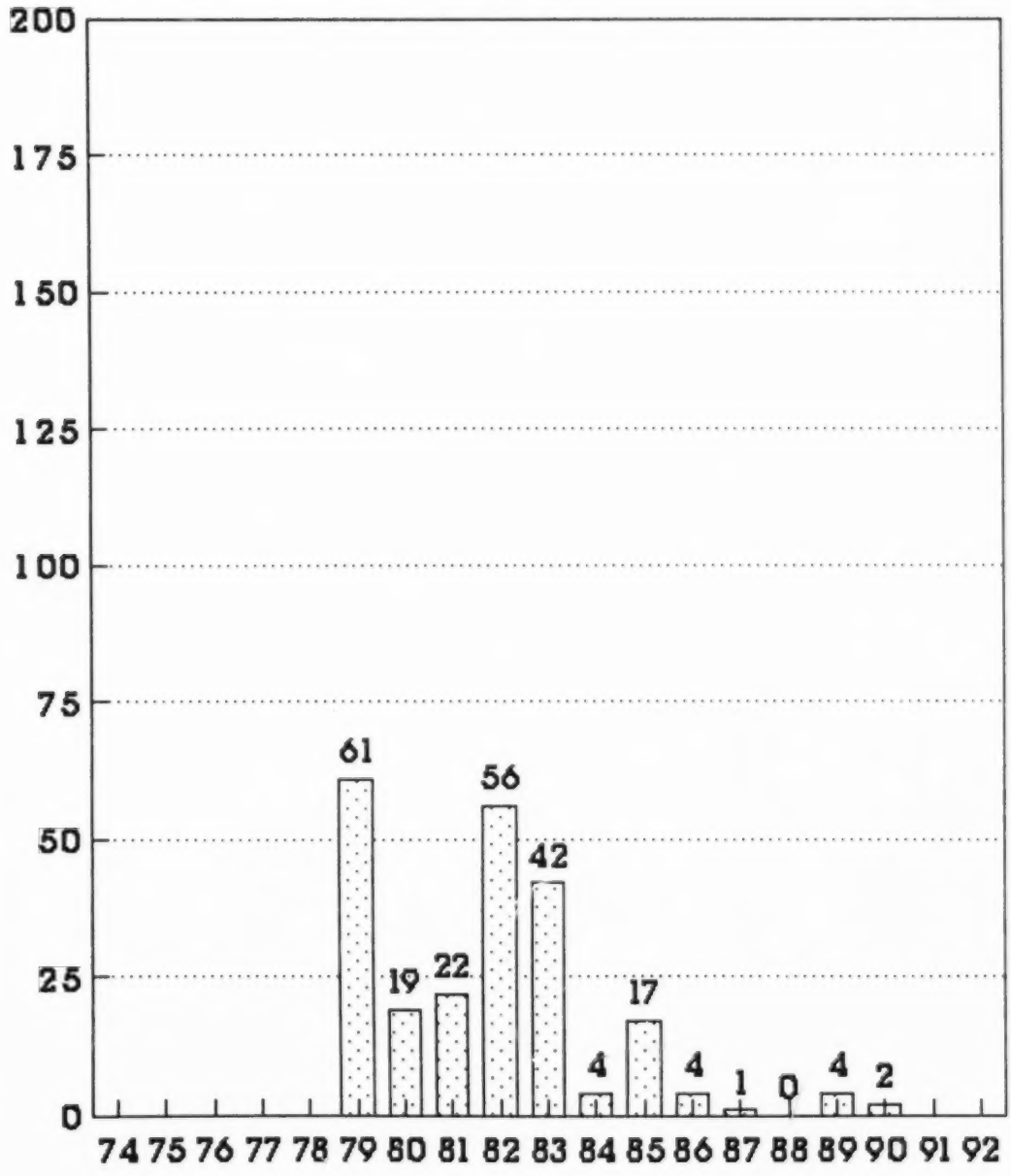
DISAPPEARANCES IN MEXICO OVER THE PERIOD 1974-1992



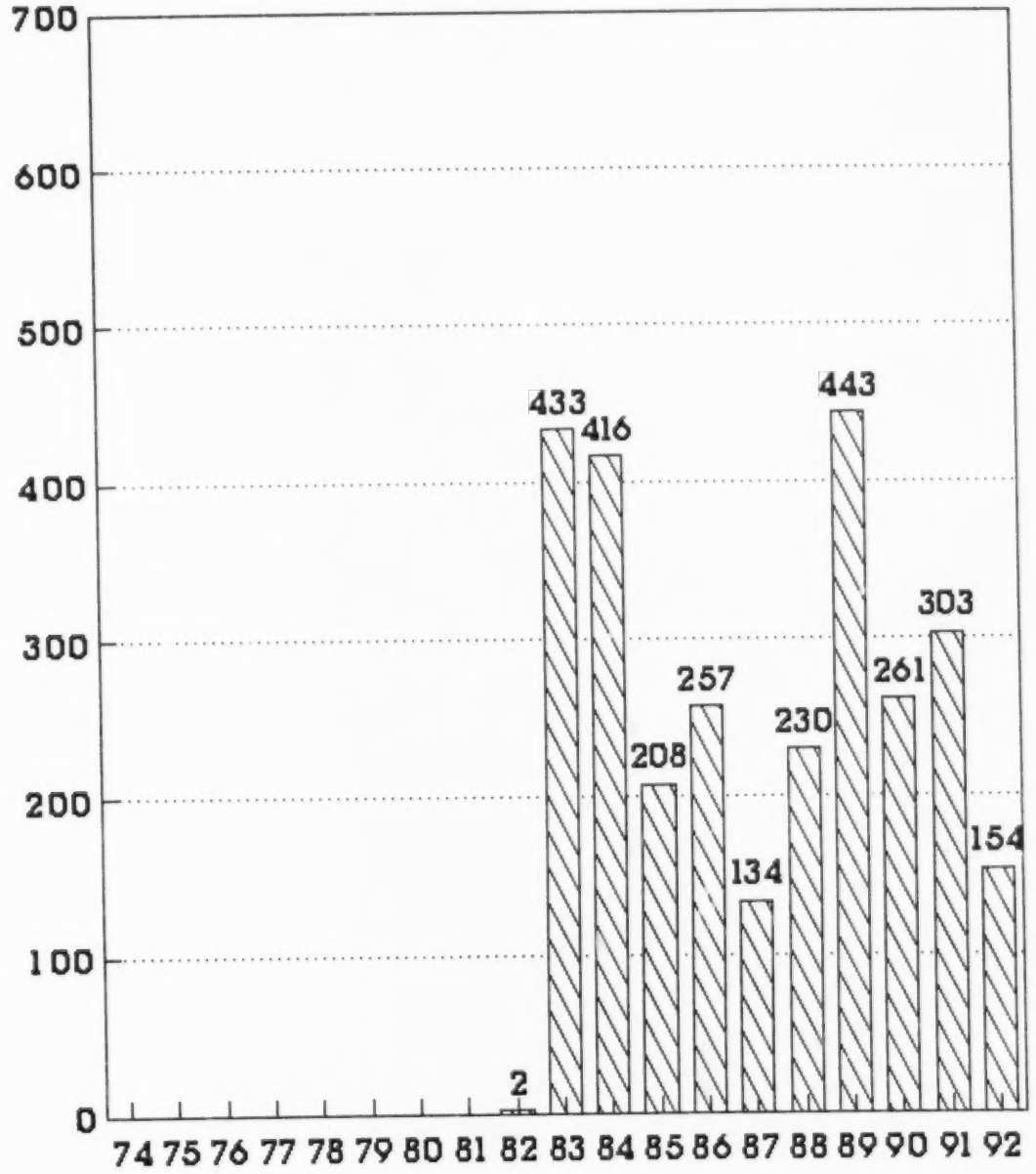
DISAPPEARANCES IN MOROCCO OVER THE PERIOD 1973-1992



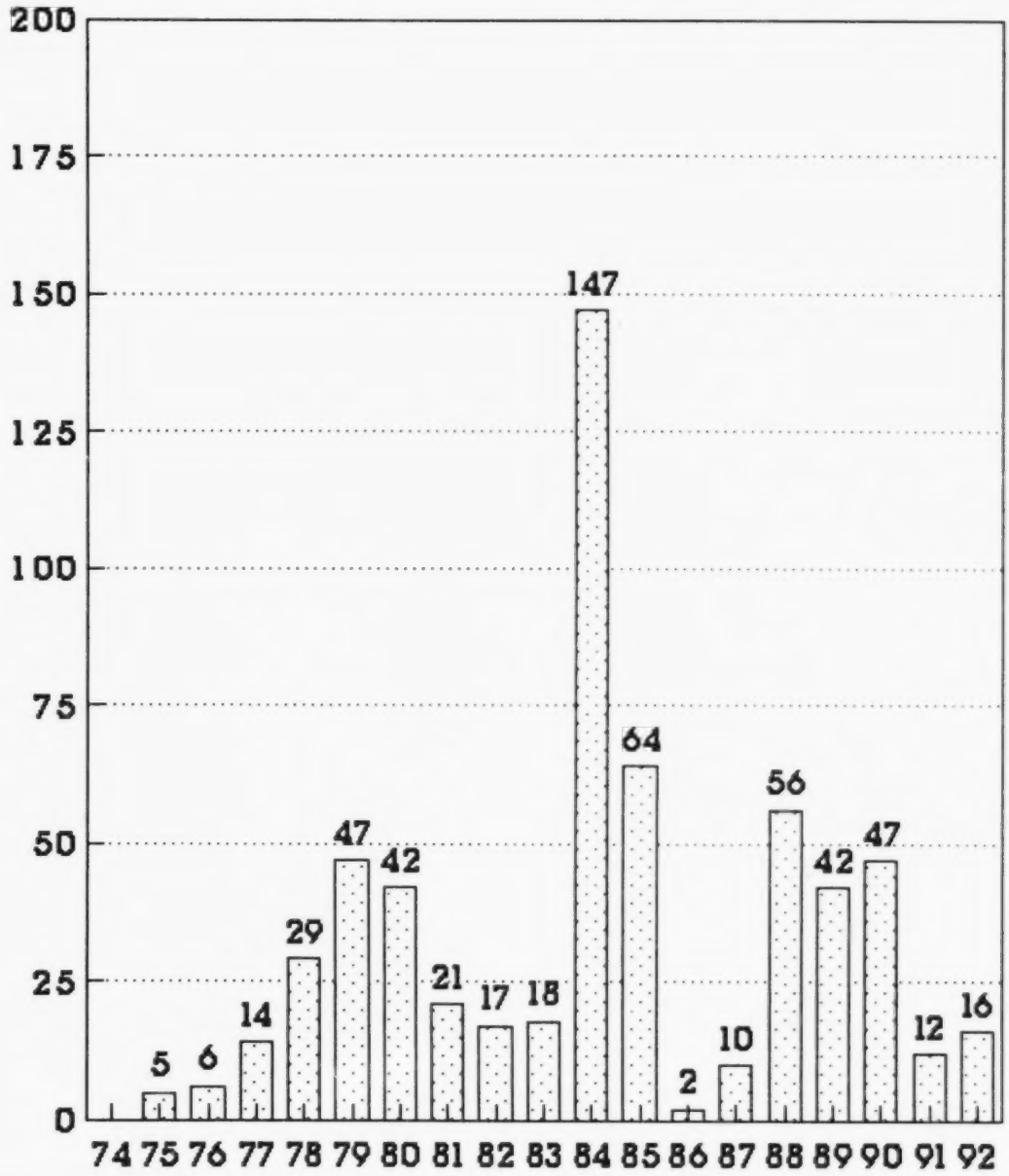
DISAPPEARANCES IN NICARAGUA OVER THE PERIOD 1974-1992



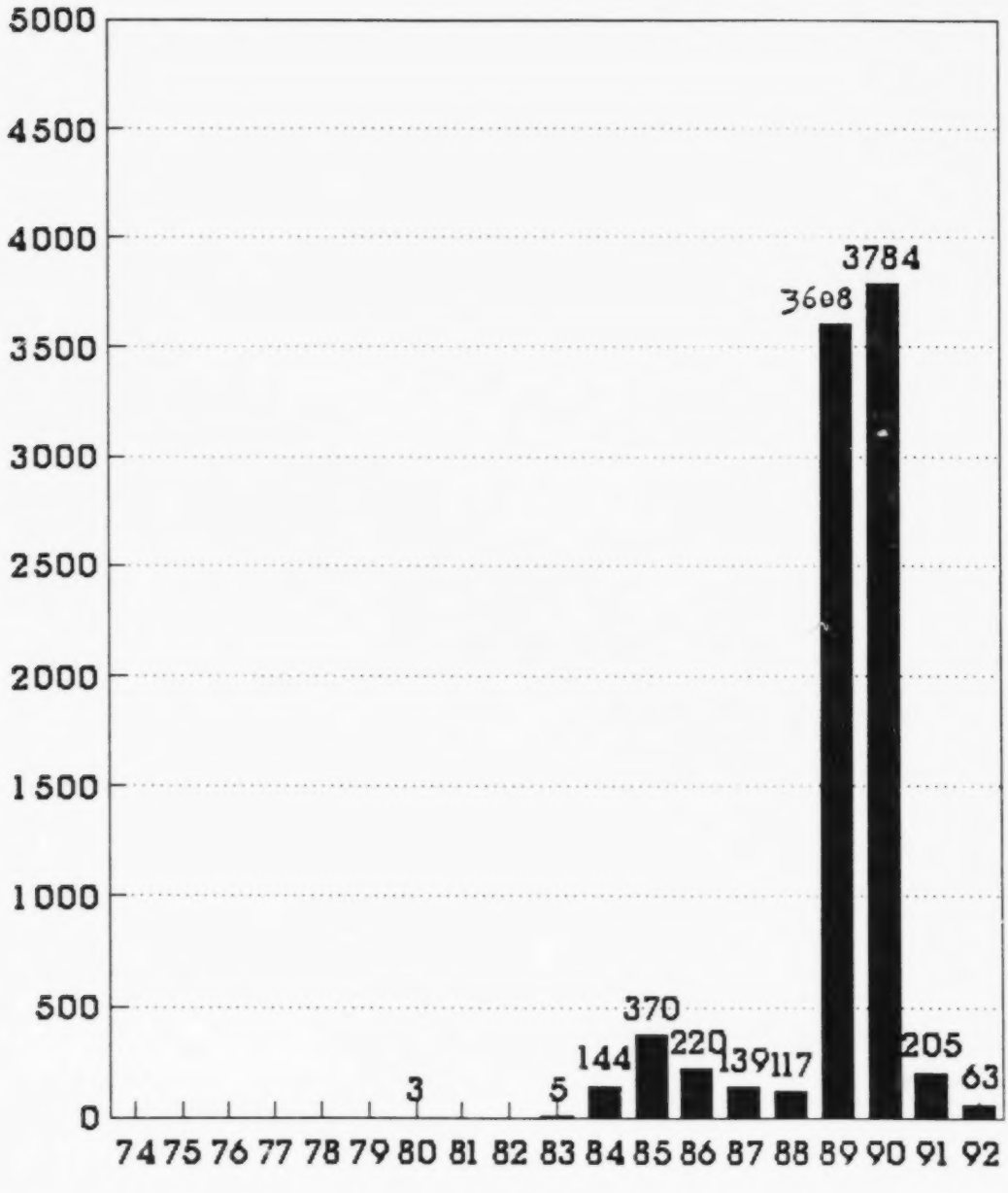
DISAPPEARANCES IN PERU
OVER THE PERIOD 1974-1992



DISAPPEARANCES IN THE PHILIPPINES OVER THE PERIOD 1974-1992



DISAPPEARANCES IN SRI LANKA
OVER THE PERIOD 1974-1992



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